

accession*. If the Indian Government then headed by Pt. Nehru was not itself interested in delaying the issue should they not have asked the Maharaja in reply to his offer of a standstill agreement, to make up his mind and accede to one dominion or the other by the fixed date and that the question of signing a standstill agreement did not arise. But that was not the case.

* The attitude of the Indian Government has been described by Campbell Johnson in his book Mission with Mountbatten (P 289) as follows :—

“When Kak (Prime Minister of the State) came to Delhi in July, he saw Patel, who told him that he did not want the accession of Kashmir against the peoples will, Through Mountbatten’s good offices he also saw Jinnah at this time”.

This attitude which contravened the Indian Independence Act 1947, gave Sheikh Abdullah a good handle for bargaining with the Maharaja and with holding the accession. Mountbatten’s interest in arranging Kak’s meeting with Jinnah indicates his bent of mind.

**POLITICAL CONSPIRACIES
OF
KASHMIR**

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LT. COL. BHAGWAN SINGH



LIGHT & LIFE PUBLISHERS
ROHTAK JAMMU LUCKNOW

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*To the full and final integration
of
The State of Jammu and Kashmir
with
I N D I A*

P R E F A C E

Maharaja Harisingh like all great men did not depend on the Government Publicity Department for his popularity, nor did he care to contradict any false propaganda against him. That is why very few people outside the State knew much about him. All that most people knew was that he played Polo and indulged in horse racing. A few years before partition of the sub-continent when visualization of Pakistan and Sheikh Abdullah's dreams of independence had diverted the loyalty of Muslims of the valley from him, he was dubbed as an oppressive ruler and after independence he was presented as the man responsible for the inordinate delay in bringing about the accession of his State with India or Pakistan and all that followed.

The invasion of the State by Pakistan in 1947 focussed world's attention on Kashmir and afforded many people, both Indian and Foreign the opportunity to express their views on the happenings there and the Maharaja's responsibility for them. Almost all of them have twisted the facts to serve particular ends. Some have even maligned the Maharaja as person responsible, but Maharaja Harisingh true to his nature and in the larger interests of the country preferred to keep his lips sealed. In the interests of history, however, if not in fairness to Maharaja Harisingh, facts have to be revealed sooner or later.

Maharaja Harisingh not only fought the British Indian Government for the restoration of the rulers' authority lost by his predecessor but had also to face the natural consequences of not being a stooge of the British. He had to deal with unpredictable Sheikh Abdullah and was a victim of Anglo-Muslim intrigue for the creation of Pakistan with the contemplated inclusion of Jammu and Kashmir State in it. He had finally to face the invasion of his State by Pakistan for adopting one of the courses open to him under the Indian Independence Act 1947.

Being a Hindu ruler of a Muslim majority State he was placed in a very unfortunate position. He refused to sacrifice secularism and administrative efficiency for communal representation in Govern-

ment services. His patriotism forced him to make a bold speech at the Round Table Conference favouring India's Independence which cost him the British Government's sympathy. Pandit Nehru's preference for an undependable and inconsistent Sheikh Abdullah—a nationalist for the sake of convenience—resulted in his exile from the State.

A decade after his death and two decades after his removal from the State Maharaja Harisingh is still remembered in the State as a most progressive, just and efficient ruler and will continue to be remembered as such for all time to come.

Having passed through thick and thin in the State Politics since my childhood and having known Maharaja Harisingh closely even before serving as his last Private Secretary I often thought of taking upon myself the task of bringing the facts to light but the thought that aspirations might be cast as to my motives prevented me from attempting it during Maharaja's life time. The humble attempt has been made now after his death in the form of this book.

I wish to express my deep sense of gratitude to the authors and publishers of the following publications on which I have amply drawn to enable myself to accomplish my task.

- (i) History of Jammu and Kashmir (Urdu) by M/s Noor Illahi & Mohd. Umar 1930
- (ii) "Picturesque Kashmir" by Arthur Neve F.R.C.S.
L.R.C.P. Edin,
published by Sands and Company 12 Burleigh St. W.C.
- (iii) "The warning of Kashmir" by G.S. Raghavan
The Pioneer Press, Allahabad.
- (iv) "British Policy Towards Indian States" by K.M. Panikar
published by S.K. Lahiri & Co. Calcutta.
- (v) "Administration Report of the J & K State"
for S-2001 (13 April 1944 to 12 April 1945)
State Government Publication.
- (vi) "A Hand Book of Jammu and Kashmir State"
State Government Publication.
- (vii) "Danger in Kashmir" by Josef Karbel
Oxford University Press London.

- (vii) "Two Nations and Kashmir" by Lord Birdwood
published by Robert Hale Ltd. London
- (viii) "The Iron Curtain in Kashmir" by Hori Lal Saxena
published by The "Nationalist" Office, New Delhi.

Last, but not the least, I am indebted to my elder brother Brigadier Krishna Singh from whose Private Library, to which I had complete access, I obtained most of the materials for this publication.

BHAGWAN SINGH

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CHAPTER I

LOOKING BACK

Kashmir and Jammu are so contiguous that their histories although different could not be entirely different. Before the Sikh or Dogra rule or even Mughal and Afgan rules, there were people in Kashmir who were from a stock, not different from the people of Jammu. According to Kalhana's Rajatarangini one Jayasimha (Jaisingh) ruled over Kashmir from 1128 to 1149 A.D. Tracing the history back to Sri Rama's time one comes across the belief that some one from the Surya Vanshi dynasty ruled over Kashmir in those days. After his death the inhabitants of the place formed themselves into small principalities, which were generally not on friendly terms with each other. This resulted in frequent skirmishes between them. To end this state of affairs they invited Raja Daya Karan from Jammu and accepted him as their first bonafide Ruler. Fifty Rajas from his dynasty are said to have succeeded him before Gonand the first acceded to the throne. He ruled over Kashmir before the Mahabharata War and was said to be related to Raja Jarasandh of Magadh who waged war against Lord Krishna. He was killed alongwith Jarasandh at Mathura during that war. He was succeeded by his son Damodar who assaulted Lord Krishna during the swayamvra of Raja of Gandhar's daughter and was killed. He was succeeded by his infant son Gonand II, shortly before the Mahabharata war broke out.

One Hardev claiming to belong to the Pandav dynasty happened to visit Kashmir. Gonand II made him a Minister but on getting a suitable opportunity he murdered the Raja and became the Raja himself, thus starting a new ruling dynasty. He was succeeded by Ram Dev who defeated about five hundred Rajas and established his control over a part of India. He received 1/10th of the produce from land as the state's share. Twentieth in succession to Ram Dev was Sundar Sain. Nothing much is known about the other nineteen but he and most of his subjects are said to have been killed during an earthquake and buried in a large crevasse created by it, at the site of the Wullar lake.

Then came Emperor Ashoka of the Maurya dynasty in about the year 21 B.C. He ruled over Kashmir through his Governor who lived in Taxila. It was he who built the town of Srinagar at a place now called Pandrathan. Ashoka was succeeded by Jalok who was a worshiper of Lord Shiva and did not believe in Buddhism. He annexed Kannauj and Kandhar to his territory. He was succeeded by Damodar about whom nothing much is known. In the 125 A.D. Raja Kanishak of Peshawar who was a Buddhist annexed Kashmir and built the town of Kanishakpura now known as Kanspura. He was succeeded by Hoshak who built Hoshakpura near Baramulla now known as Ashkar. In 185 A.D., Jasak succeeded Hoshak after the latter's death and this dynasty ended with Jasak's death in 225 A.D. One Abhimannu then acceded to the throne and finished Buddhism. After Abhimannu, Gonand III came to the throne and revived the ancient Hindu religion. One Raja Nar after him dismembered all the Buddhist temples and Buddhism never gained a foothold there again.

Raja Mehra Kol of the Hun dynasty ruled over Punjab with its capital at Shakal now called Cheneot. After his defeat at the hands of some local Rajas in 528 A.D. he took refuge in Kashmir. The Raja of Kashmir treated him well and granted him a Jagir, but he in return murdered the Raja and usurped the throne. He was very cruel and, therefore, unpopular. He committed suicide and Yudishtar I of the Gonand family was proclaimed his successor but was soon ousted by the people for being weak and inefficient. The throne was then offered to Raja Bikramjit Harash of Ujjain. After his death Parvasin usurped the throne and constructed Srinagar at the present site. The town was also called Parvasin pura. His family ruled for another fifty years with Baladat as last ruler who died issueless. His son-in-law Darlab Darwan of Karkot dynasty succeeded him in 627 A.D. It was during his rule that Hieum Tsang the Chinese traveller came to Kashmir. He conquered Rajpura (Rajauri) Parnot (Poonch) Bhimber, Ras (Hazara) and Sehnapur which had a salt mine. His son Darlekh Pratap Dat ruled from 663 A.D. to 713 A.D. His life was spent in defending his territory from attacks from outside. His son Chandra Ped ruled from 713 A.D. to 721 A.D. He sent an Ambassador to China to have his country recognized. He was succeeded by his brother Tara Ped who ruled for a brief period of 4 years and was unpopular. He was succeeded by Gamat Ped who ruled successfully from 725 A.D. to 752 A.D. He conquered a great part of Punjab and after invading Kannauj

brought the well known writer Bhavbhuti with him and made him his State poet. He founded the Martand temple and the town of Prahasa pura ruins whereof are still found near Shadipura. He took several steps to improve agriculture in his state. He is said to have been killed during a military campaign. Before leaving for the combat he is said to have left instructions outlining the policy to be followed in his absence asking the concerned not to fight among themselves. Not to neglect the repairs of forts. To keep the hill people suppressed so that they don't rise in rebellion. To leave only as much produce of their lands with the Zamindars as is necessary for their own needs. Not to take too many people from the same family in Government service and not to recruit men in the army only from one particular region.

After 12 years of rule by four other weak rulers Jayapid ruled for 31 years from 764 A.D. to 785 A.D. He was a successful ruler in the beginning and defeated the Raja of Kannauj. Towards the end of his rule however, he looted temples and confiscated the lands attached to them. He was succeeded by his son who spend all his father had collected during the 12 years of his rule.

For the next 50 years there was no stable Government in Kashmir. Untill Avanti Verma of the Aptal dynasty acceded to the throne in 855 A.D. He ruled for 28 years. Took steps to improve irrigation and agriculture and Control Floods. He founded the town of Awantipura. He was succeeded by Shankar Verma in 883 A.D. who founded the town of Pattan and built a few temples. He invaded Rajauri, Gujral and Kangra but failed to annex them. He was killed during his invasion of Hazara in 904 A.D. Some others from their dynasty ruled untill 980 A.D. when Rani Veda of the Sohar dynasty acceded to the throne. Her nephew Sanigram Dev who is known as the founder of Sohar dynasty succeeded her in 1003 A.D. During his rule Mahmood Gaznavi invaded Kashmir but had to give it up on account of bad communications. He was succeeded by Hari Dev, who died after 22 days of his rule and was succeeded by Anant Dev in 1028 A.D. Anant Dev ruled for 35 years and conquered Chamba. On the advice of his Rani Saraswati of Jullunder he handed over to his son Kalash Dev in 1063 A.D. who ruled for a short period of about 6 years. Harash Dev came to the throne in 1089 A.D. He was very fond of pomp and show. He knew many languages and patronized the learned. He possessed contradictory qualities. If he was merciful, he was cruel too and

so on. He imposed several taxes on his subjects. He was killed by some-one in a Jungle and cremated by a wood cutter.

Aschal acceded to the throne in 1104 A.D. and ruled for seven years. Disorder prevailed during the entire period of his rule and he was murdered. His successor ruled only for 24 hours before he was murdered too. Then came his step brother who met the same fate and was succeeded by Sasal.

Pandemonium prevailed in the country for the next two hundred years and every house had its own ruler. Zavi-UI-Qadar Khan of Tatar then invaded Kashmir and plundered and burnt Srinagar. After his 8 months of stay there, he and all his troops were buried in the snow while attempting to return through the southern passes. Some nomads of Kishtwar then invaded Kashmir but were driven back by Ram Chand the Commander of Sameh Dev's forces, who established himself as the ruler.

Rachan Shah the son of Ladakh's ruler murdered Ram Chand in 1341 A.D. and usurped the throne. He appointed Shah Mirza as his Wazir, married Ram Chand's daughter Kota Rani and then accepted the Muslim religion changing his name to Sadar-UI-Din. He died soon after.

Adin Dev a brother of Sameh Dev then acceded to the throne. He married Sadar-UI-Din's wife Kota Rani and allowed Shah Mirza to continue as Minister. In 1331 A.D. the Turks invaded Kashmir. Adin Dev left the field but Shah Mirza gave a good fight and defeated the Turks. Adin Dev returned to the throne but Shah Mirza remained the virtual ruler. After his death Kota Rani assumed ruler-ship but she was removed by Shah Mirza who then ruled under his new name Shamash-UI-Din from 1341 A.D. to 1344 A.D. This was the beginning of the Muslim rule over Kashmir

After his death his four sons Jamshed, Alla-UI-Din, Shahab Din and Kutub-UI-Din succeeded to the throne one after the other. Sultan Alla-UI-Din was known to hold secular views. Sakandar son of Kutab-UI-Din ruled from 1394 to 1416 A.D. When Amir Timur invaded India, Kutab-UI-Din sent him some presents and thus saved his territory. He had left the administration to Seh Bat a newly converted muslim, who ordered the Hindus either to become muslim or leave the country. He built the Jamia Masjid after dismantalling Tara ped temple. Shah-i-Hamdan was also built by

him. He was succeeded by his son Ali Sher who ruled from 1146 to 1423 A.D. and is known to have built the Shergarhi palaces. After his death his younger brother Shahi Khan later named as Zain-Ulab-Din acceded to the throne. He was also known as Bud-Shah (the great king). He ruled from 1423 to 1474 A.D., and introduced several reforms for the betterment of his people. He treated both the Hindus and the Muslims alike. He withdrew the tax on Hindus imposed by his predecessors. Many Hindus who had left the country returned home. He had certain Arabic and Sanskrit books including Mahabharata translated into Persian. Ten rulers from his dynasty ruled after him in succession but none equalled him in popularity. One among them was Fatch Shah during whose regime Mir Shamas Din arrived from Iraq. He converted many Muslims into Shias of whom Chak family was one. In the year 1556 A.D. Ghazi Chak murdered Habib Shah the last of the Zain-Ulab-Din family after blinding him and usurped the throne.

Ghazi Chak was succeeded by Ali Chak in 1564 A.D., who accepted Akbar's suzerainty, when Qazi Sadar-Ul-Din and Mulla Ashqi visited Kashmir on Akbar's behalf. He also offered his daughter for marriage to Prince Saleem. His successor Yusaf Khan was arrested by Akbar and Kashmir passed on to the Mughal rule in 1586 A.D., which continued till 1751 A.D. This rule was on the whole peaceful and progressive. The Hari Parbat fort was built during this period and the Shalamar and the Naseem gardens were laid by Jehangir, Chashma Verinag and Chashma Shahi were constructed. Pathar Masjid was built by Noor Jehan. Nishat garden was laid by Wazir Asaf Jah and Governor Ali Mardan built Sarais (resting places). Among the Mughal rulers, Aurangzeb was the least popular. He found it difficult to keep his hold on Kashmir which refused to owe allegiance to him in 1751 and disorder followed.

In 1752 Ahmad Shah Abdali crossed into India from Afghanistan and ruled Kashmir through his Governor Asmat Khan and others for over fifty years. These Governors preferred to fill their own pockets to serving their masters in Kabul. With the result that Maharaja Ranjitsingh of Punjab found it convenient to intervene. In 1819 he sent Gulabsingh (Later Maharaja) to invade Kashmir and annexe it to Punjab which he did.

The Sikh rule continued from 1819 A.D. to 1846 A.D. Their first Governor in Kashmir was Moti Ram Misra. He was not very

popular among Muslims. The population of Kashmir was then 8 Lakhs which was reduced to two lakhs after the 1831 famine. Another Sikh Governor Mahansingh was good natured and had the good of people at heart, but he became unpopular in the army which mutinied and murdered him. Maharaja Shersingh was then ruling the Punjab. He sent (Maharaja) Gulabsingh alongwith Kanwar Pratapsingh to suppress the mutiny. Fighting ensued on the bank of Doodh Ganga and the mutineers surrendered. Gulabsingh stayed in Srinagar for four months and then returned to Jammu after constructing the Dalgate and appointing Sheikh Gulam-Mohi-Ud-Din as Governor, who on his death was, succeeded by his son Amam Din.

This was about the time when the treaty of Amritsar was signed as a result of the war between the Sikhs and the British in 1846 at Sobaroon which the Sikhs lost.

So much about the history of Kashmir. An attempt will now be made to trace the history of Jammu from times immemorial down to the same point. Suraj Vans is an old ruling dynasty of Rajputs in which Maharaja Ram Chandra (Lord Rama) was born in the 57th generation. One Raja Khayetri of Ayudhya belonging to this dynasty was killed in the Mahabharata war and was succeeded by his son Somintra who had two sons Agni Garb and Agni Giri. They both migrated towards the North-west. When they reached the banks of Ganges they were told by a Fortune Teller to proceed on untill they arrive at the third big river. They crossed the Jamuna and arrived at the bank of Sutluj. Here they seperated. Raja Agni Garb went into Rajasthan and established his rule in Jaipur and Raja Agni Giri proceeded towards Irapati (Jasrota). After several generations Raja Jambu Lochan of the Agni Giri family founded the town of Jammu and established his rule there Centuries later Raja Agan Karan of this dynasty was killed fighting on the side of Poras against Alexander and was succeeded by his son Kirit Karan who invented the Dogri script. After several generations Raja Mal Dev succeeded to the throne at the time when Temur invaded India. He came upto Babliana from where he withdrew after a hard fighting. Raja Maldev is known to have brought a heavy stone from Tawi which is still lying in Mohalla Kali Jan (black stone) known after this stone Generations after Raja Mal Dev. Raja Ranjit Dev succeeded to the throne, he ruled from 1742 A.D. to 1781 A.D. Ahmad Shah Abdali asked him for assistance in quelling the rebellion in Kashmir.

He sent his son Brijraj Dev and Commander Rattan Dev who arrested the rebel Subedar (Governor) near Shopian and restored normalcy.

The Sikhs invaded Jammu for the first time but when they reached Sialkot, their two rival groups, under Jhanda Singh and Charat Singh fought each other and they were both killed. Ranjit Dev was succeeded by Brijraj Dev who ruled from 1781 to 1786. During his rule the Sikhs invaded Jammu twice under Mahan Singh. On the first occasion they were able to enter Jammu and plunder, but on the other occasion heavy fighting took place on the bank of Tawi in which the Sikhs were defeated, and Raja Brijraj Dev was killed towards the end. He was succeeded by Raja Sampuran Dev at the age of one year who ruled from 1786 to 1797 mostly through Mian Mota Singh. After his death his cousin Raja Jit Singh ruled from 1797 to 1809.

The Sikh invaded Jammu for the 4th time but the attack was repulsed by Mian Mota Singh. Again in 1807 the Sikhs under Hukmansingh attacked for the fifth time. Mian Motasingh stopped them on the bank of Tawi below the Gumat gate. (Maharaja) Gulabsingh was then a boy of fifteen but he fought with great courage and determination. The Sikhs, however, won because of superiority of numbers. Hukmansingh returned after receiving some tribute. Soon Raja Jit Singh was called to Lahore but was not permitted to return. That was the end of the old rule of Ranjit Dev's family over Jammu.

Mian Surat Singh was Raja Ranjit Dev's youngest brother. He had one son Mian Zorawar Singh who got three sons Gulab Singh, Dhian Singh and Sochet Singh. Gulab Singh and Dhian Singh received their military training from Mian Mota Singh. When Gulabsingh was 16 years of age, he took a horse from his father's stables for going to Shikar without his father's permission, when he returned, the horse was limping. His father got annoyed and admonished him. He left home in search of service. Meanwhile on hearing his exploits during the last Sikh war at Jammu, Maharaja Ranjit Singh asked Mian Mota to present Gulab Singh before him. Mian Mota Singh atonce sent for him and took him to Daska, where Maharaja Ranjit Singh was staying. Gulabsingh was taken in the Maharaja's service in 1812 and so were his brother Sochet Singh and Dhian Singh later on. He so rapidly achieved distinction that he was created Raja of Jammu in 1819. Thereafter, Raja Gulab Singh

entered upon a policy of consolidating and expanding his power and annexed the principalities situated between Jammu and Kashmir valley, one after the other. He conquered Ladakh and Baltistan between 1834 and 1841. At the death of Maharaja Ranjit Singh in 1839 Raja Gulabsingh was a most important figure in Punjab. Early in 1846 he was installed as the Prime Minister of the Punjab State. The Sikhs crossed Sutluj against his advice and lost the battle of Subaraon against the British. He had then to perform the difficult task of negotiating a treaty which essentially was from a position of weakness. The treaty of Lahore was signed on the 9th March 1846, and the treaty of Amritsar* under which he was recognised as Maharaja on 16 March 1846.

Before Maharaja Gulab Singh conquered Ladakh through the heroism of his famous General Wazir Zorawar Singh in 1841, it owed temporal and spiritual allegiance to Chinese Tibet untill 1686 and then came under the nominal sway of the Mughal Emperor. Baltistan was almost independent untill annexed by Maharaja Gulab Singh and so probably was Gilgit under their own local rulers.

It will thus be seen that Jammu, Kashmir, Poonch, Ladakh, Baltistan and Gilgit had all along been under separate dynastic rulers before the advent of Dogras. The State of Jammu and Kashmir as it existed in 1947, was the creation of Maharaja Gulab Singh. Mr K.M. Panikar in his book "Gulab Singh Founder of Kashmir" (London Martin Hopkinson, 1930) says "In a century barren of historical achievement in India, Gulab Singh stands out as a solitary figure of political eminence.....He is the only ruler in India's long history who could be said to have extended the geographical boundaries of India.....No previous Indian ruler not even Samundra Gupta or Akbar, had ever dreamt of invading Tibet and though Zorawar, who ventured too far, paid the penalty for his adventure, the Maharaja's force, routed the Tibetan Army and extended the border of India to the other side of Himalay's".

A treaty of friendship that was concluded between the representatives of Maharaja Gulab Singh on the one hand and those of Lhasa and Empire of China on the other on equal terms, is reproduced in Appendix I.

Maharaja Gulab Singh was succeeded by his son Maharaja Ranbir Singh in 1857. Although 11 years of Dogra rule had

*Treaty of Amritsar reproduced in Appendix III

witnessed the gradual establishment of order in the State, Maharaja Ranbir Singh's reign was not free from military activity, as the frontier tribes still gave trouble and several expeditions had to be sent against them which resulted in complete subjugation of Gilgil and the adjacent territories.

Maharaja Ranbir Singh was essentially a man of peace. He carried out several useful reforms. Administration was reorganised, petition boxes were set up. Many imposts were abolished including the marriage tax. Tax on Shawl manufacturers was reduced. Steps were taken to prevent infanticide, kidnapping and drinking. A number of schools were opened. Telegraph and Postal systems were established. A system of revenue assessment was introduced, sericulture industry was placed on sound footings. The shawl trade, however, received a set back after the Franco German war of 1870. The Maharaja who had introduced Sanskrit words of command in the Army often supervised the military training himself. He was a great patron of letters and art. He encouraged research and gathered a good library of rare Sanskrit and Persian manuscripts.

Maharaja Ranbir Singh was succeeded by his eldest son Maharaja Pratap Singh. During his 40 years of rule from 1885 to 1925, the British interference was increased to the maximum and his powers were curtailed to the minimum. He was succeeded by his nephew Maharaja Hari Singh who revived to a large extent the authority lost by his predecessor. His rule has been sufficiently discussed in the subsequent chapters.

CHAPTER II

BELOVED OF THE PEOPLE

Hartals are not uncommon in India, one often finds, one party or the other urging, intimidating and persuading, shopkeepers on one ground or the other to close their shops, but spontaneous hartals like the one observed by the people of Jammu and other towns in the Province on the 26th April 1961 are very rare. Shop after shop was hurriedly closed and within seconds all the bazars and even isolated shops were closed. With their eyes full of tears and voices choked with emotions, the people passed on to each other the shocking news of the sad and sudden demise of their beloved former ruler Maharaja Harisingh who had been living in exile at Bombay. He had died of a heart attack.

There was no body at the Palace to furnish details. Yuvaraj Karansingh had proceeded on a foreign trip a couple of days earlier and was then in Rome. The Maharani was at Alhilal in Kangra. A crowd gathered at the residence of Pt. Premnath Dogra, the Praja Parishad Chief, urging him to arrange for the body to be flown to Jammu for cremation with befitting honours. It was to be learnt, however, that the Maharaja's last Will written more than a year earlier, did not permit of this. Instead, it provided for his ashes to be flown over Jammu and sprinkled over the town; obviously to mark his love for his homeland, which he was not permitted to visit during his life time.

All roads then led to the Palace, where thousands of people immediately assembled, and soon a vast sea of humanity flowed from the Palace through the main streets of the town, towards the Tawi, the like of which Jammu had not witnessed before. Women were beating their breasts and lamenting, and the men hung their heads in silence. The procession ended at the cremation ground at the Tawi and dispersed after a brief speech by a Praja Parishad* leader, Mr. Ramnath Advocate. After expressing deep sorrow at the greatest

*Praja Parishad has since been merged with the All India Jan Sangh.

loss the people had suffered, he severely criticized the Jammu Station of the All India Radio, for hurting the feelings of the people by broadcasting film songs, even on the day of National mourning for people of the State.

The body of the late Maharaja was cremated the same day at Bombay under arrangements made by his personal staff. He was too discredited to receive the usual official honours even at the time of his funeral, as he had once arrested Pt. Nehru on making a forced entry into the State in 1946. Even the Government flags were not lowered. His death was announced on the Radio and published in the papers but there were no comments, no life history.

Yuvaraj Karansingh, then Sadar-i-Riyasat of Jammu and Kashmir cancelled his trip and returned to Bombay the next day. He accompanied the ashes which were flown to Jammu in a chartered plane, and sprinkled a part of them over Jammu. A huge crowd, including people from villages had gathered at the aerodrome to pay their last homage to their beloved former ruler. Bakhshi Ghulam Mohammad then Prime Minister of the State, also made an appearance for a while. When the Yuvaraj alighted from the plane with the silver urn containing the ashes, the shouts of "Maharaja Bahadur amar rahe" rent the air. A large procession then slowly moved to the cremation Ghat on the Tawi river, where necessary religious ceremonies were performed by the Yuvaraj. The people then quietly dispersed.

To add insult to injury the Government offices remained open and the State Flag fluttered at full mast. A few college students made an attempt to pull down the State Flag on the New Secretariat building, but were fired at by the Police. They ventilated their grievance by stoning the building and smashing a few of its glass panes, and then dispersed. Some of them were later arrested and detained without trial for months.

Thus was the death mourned of the Maharaja, proving that he was as much loved by his people years after his treacherous removal from the State, as he was during his rule. Official circles, however, continued to remain indifferent.

The popularity of the Indian ruling Princes among their subjects was at no time in doubt, in spite of the malicious propaganda carried against them by the interested parties outside their States,

with their replacement by the democratic Governments which were unable even to maintain the then existing level of efficiency in the administration, their popularity rose to even new heights. Long after his removal from the rulership of his State, a dead Maharaja of Jodhpur, killed in an accident a day before the date of polling, defeated his Congress rivals in more than one Constituency by an over-whelming majority during the first General Elections held after Independence. Even today any ousted Maharaja could easily defeat any body in fair election from any Constituency of his State. The Indian National Congress which had been calling these ruling Princes as unpopular parasites, and had even removed them on the same ground does not today fail to take full advantage of their popularity when in difficulty, in any constituency of a former Princely State.

Maharaj Harisingh was no exception. He was equally popular among both Hindus and Mohammadans the two main communities in the State, but due to strong outside influence, and as part of a long premeditated plan of the British for the vivisection of the Indian sub continent, on the basis of religion, a section of Muslims, supported by the Indian Muslim League undertook to defame him. Later, the Indian National Congress also joined the affray apparently to get a foothold in the State. Inadvertantly, however, they only helped the communal cause. If popularity among Muslims was a test of popularity for a Hindu, however great, then even Mahatma Gandhi who did his best to advocate the Muslim cause and even laid down his life for it, proved a miserable failure.

Maharaja Harisingh still remained undoubtedly the most popular and revered figure in the State and was always held by the people in great esteem; that is why Sheikh Abdullah was in a hurry to manipulate his removal from the scene. Mr. M.L. Chattopadhyay, Member Indian Constituent Assembly who visited the State in 1949 circulated a report to the Congress Members of the Constituent Assembly on 16th Feb 1949 which among other things contained the following :—

“In our talk with Sheikh Abdullah Sahib, we found him over-zealous about the abdication of the Maharaja. He holds him responsible for the massacre of the Muslims in the State.*

*As if the Governors of Provinces in India and Pakistan were responsible for the large scale massacre of Hindus or Muslims as the case may be in their respective States,

He demands an inquiry and if need be, a trial. He spoke in clear terms that if the Maharaja was not deposed, he could not with any certainty, sufficiently inspire the muslims, to vote for India and make sure of Victory*. We were told by the people that open propaganda was being carried on by Sheikh Abdullah and the National Conference to depose the Maharaja. We were further told that at a mohalla meeting of the National Conference in Jammu city, the resolution for abdication was defeated by 18 votes to 3".

The Maharaja was removed from the State after all, first on the grounds of his health, (with which there was nothing wrong), and then on the grounds of Constitutional changes. This was very much resented by the people, and on Pandit Nehru's first visit to Jammu they demanded the return of the Maharaja to the State. Speaking at a public meeting later in the day Pt. Nehru was unable to conceal his personal ill-will against the Maharaja and declared that the Maharaja who had the audacity to arrest him, who was to become the Prime Minister of India, would never, never, never return to the State. Hearing this the people left the meeting in large numbers.

It is said that the Maharaja once suggested to Pt. Nehru that they should both fly to Srinagar and ask the first Kashmiri they met whether he liked the Maharaja to stay or go. But Nehru was not unaware of the Maharaja's popularity in the State and that is why he had brought about his removal by underhand means.

*As if he had a mind to do so after securing deposition of the Maharaja:

CHAPTER III

HARISINGH'S RULE

Every Ruler or Government, worth the name, does something or the other for the benefit of the people and the progress of the State or country according to the means available to them. To describe every thing done by Maharaja Harisingh in that direction is neither necessary, nor possible in this small volume. It is, therefore, intended to discuss only the outstanding events of his regime which place him among the great men of the country, with only a brief mention of his great hand in the development of the State.

It has become a fashion for all Governments to publically compare their budget allotments under different heads to those of the previous Governments, to prove how irresponsible the latter had been, regardless of whether proportionate results were also achieved or not. This is at least what all the three elected Governments of the State after the end of rulership have been harping upon; by comparing their expenditure on education health social welfare, roads and so on, with that of the Maharaja's time. But is there any Government in the world which is spending to day, just as much as its predecessor Government was spending years ago ?

The progress of a State depends not on how much money was spent by it, but on how it was spent and what results were obtained. Huge amounts can be spent by pouring them down the drain and even small amounts well spent may achieve better results. Even if expenditure is to be taken as a criterion, did not Maharaja Harisingh spend more than Maharaja Pratap singh ? or would not he too, have allotted much larger amounts to all heads, and with lesser corruption and better supervision prevalent during his regime, achieved better results, if all the money now available to the State in the form of Central assistance had been available to him, in addition to the present increased revenue of the State ?

His critics and the protagonists of socialism, no doubt find, in the privy purse he was drawing, a stick to beat him with, but that only shows their prejudice or ignorance. His privy purse of rupees



Lieut. General His Highness Raj Rajeshwar
Maharajadhiraj Harisinghji Bahadur
G.C.S.I., G.C.I.E., G.C.V.O., LL.D
Last Ruler of Jammu & Kashmir.

twelve lakhs, was increased to twenty five lakhs, only after he amalgamated with the State his private property inherited from his father yielding an annual income of rupees twenty four lakhs. This he voluntarily reduced to rupees fifteen lakhs during the World War II. Considering that he maintained a large private establishment, undertook unending construction works which provided the much needed employment to thousands of people, and made charitable grants frequently out of this privy purse for the welfare of the needy both inside and outside the State, the amount can hardly be termed excessive. That these Princes looked rich did not necessarily mean that they were so, only they knew how to live and look rich. Whatever wealth they had was the result of accumulative savings for generations. The Privy Purses were hardly sufficient to enable them to live with the dignity their status demanded. Maharaja Harisingh was richer when his father died than when he died himself. The proportionate personal benefit which he received from his privy purse after accounting for the benefit of employment etc. which he provided to others was not more than that obtained in one form or the other, by "Servants of the people" who replaced the rulers, after Independence.

Maharaja Harisingh had many qualities of head and heart. With his great moral courage and profound sense of patriotism he performed deeds at personal risk which can be an envy of any freedom fighter of his time.

It is well known that the British policy with regards to the ruling Princes was to weaken them on each new succession. They left Maharaja Gulabsingh, the Founder of the entire State of Jammu and Kashmir alone, after he refused to entertain a proposal for appointment of a British Political Officer which was being pressed on him. But during Maharaja Ranbirsingh's time a British Officer was, for the first time, stationed as political agent at Gilgit in 1877. Efforts to maintain a British political officer in Kashmir for only six months in a year were also made about the same time, under the pretext of looking after and dealing with the European visitors over whom the Durbar had no criminal jurisdiction. Consistent efforts were then made to raise the status of the political officer to that of a Resident. On strong resistance from Maharaja Ranbirsingh the question of raising the status of the political officer was dropped and the political agent in Gilgit withdrawn in 1881.

Soon after Maharaja Pratapsingh's accession in 1885 the Gilgit Agency, consisting of Gilgit Wazarat the chieftains of Hunza and Nagar, the Chilas District in Indus Valley, and Punial, Yasin, Ashokoman was re-established in 1889 under Col. A. G. Durand and the status of the political officer in Kashmir raised to that of a Resident. To cover this step Maharaja Pratap singh was deprived of his powers on account of what was called his "voluntary abdication" on the charge of having conspired with Russia. The entire administration was taken over by a State Council presided over by his younger brother Raja Sir Amarsingh, a great Statesman and Administrator, until 1891 when Maharaja Pratapsingh himself became the President. The Resident who had by then considerably improved his position, however, continued to exercise a great deal of authority in the name of advice. The state Council was abolished in 1905 when partial powers were restored to Maharaja Partapsingh. Full powers were, however, restored to him only in 1921, with the almighty Resident, who was instrumental in depriving him of, and restoring to him, his powers at will, always staring at his face.*

To give an idea as to what these Residents meant to the Rulers of the Indian States, an extract from the Private Journals of the Marquis of Hastings dated 1st Feb 1814 is reproduced below :

"In our treaties with them (Indian Princes) we recognise them as Indian sovereigns, then we send a Resident to their courts. Instead of acting in the manner of Ambassador he assumes the functions of a dictator, interferes in all their concerns, countenances refractory subjects against them and makes the most ostentatious exhibition of this exercise of authority. To secure himself the support of our Government, he urges some interest which, under the colour thrown upon it by him is strenuously taken up by our Council and the Government identifies itself with the Resident not only on the single point but on the whole tenor of his conduct".

*A nasty situation, the like of which the author himself had to face when in command of a Unit during the World War II. in the Middle East with two British officers imposed upon him as advisers, who had the powers even to remove him from command under circumstances not difficult for them to create. The author fought for their withdrawal at a great personal risk and secured it. For full details see authors other publication WAR ON TWO FRONTS (Army Publishers 166 New Lajpat Rai Market, Delhi 6.

To give some inkling of how some Residents behaved, a line from Col. Maculay's letter to the Raja of Cochin is quoted below:—

"The Resident will be glad to learn that on his arrival near Cochin the Raja will find it convenient to wait upon him"*

With the British policy as it was Maharaja Paratapsingh's successor would have found it extremely difficult even to maintain the status quo, but Maharaja Harisingh took upon himself the uphill task of regaining the past authority of the Ruler of the State. He started with asking the Resident in Srinagar to remove the Union Jack from the Residency Buildings and when he failed to comply, by having it removed by a detachment of State Forces. This was a very daring step and invited serious correspondence with the Political Department as a result of which, though the Resident was again permitted to fly the Union Jack at Srinagar, he was prohibited from moving down to Jammu during Winter as he had been previously doing. During winter therefore, he shifted to Sialkot in British India instead of Jammu.

As regards Gilgit Agency, though the institution itself could not be done away with, the British and Indian Army troops, stationed there under one pretext or the other, were replaced by the State troops and the Maharaja's writ ran better through his Deputy Commissioner (Wazir-e-Wazarat) at Gilgit, assisted by the Commander of the State troops stationed there. Once, in 1925, when the author happened to be at Gilgit, the British Resident in Srinagar was to fly from Srinagar to Gilgit, for the first time for the inauguration of the fair weather airfield constructed five miles away from Gilgit town.

The political agent was to receive him at the aerodrome, but the Deputy Commissioner Thakur Chattar Singh Charak was directed by Maharaja Harisingh to receive the Resident at the point three and a half miles from the town and no further. The Deputy Commissioner erected his Shamiana exactly at 3.5 miles and waited for the Resident to come. The flight of the Resident had, however, to be cancelled, owing to bad weather at the last moment.

Even after encroachment on the part of the Resident on the internal sovereignty of the State was reduced to a large extent, the State still had no jurisdiction over the British and Indian subjects of His majesty the king Emperor within its own borders. Maharaja

*K. M. Panikar's 'British Policy towards Indian States'

Harisingh was not a man to shut his eyes to this state of affairs. He made ceaseless efforts to regain the authority, which Maharaja Gulabsingh alone had been in a position to exercise, and finally succeeded in securing for his law courts full criminal jurisdiction over all British Indian subjects and full civil jurisdiction over every body in the State regardless of his nationality.

There were only two courses open to the rulers of the Indian States, to rule over their subjects. The first and the easier one was to keep the Resident and the political department pleased, and care not the least about the people. The other was to look after the people well and care not the least about the Resident or the Political Department. As the First Course smacked of slavery Maharaja Harisingh, as great men would always do, chose the second one and boldly faced the risks involved. He knew that a great majority of his subjects were Muslims and that Hindus though in a minority were the people who through great sacrifices had enabled his ancestors to extend the limits of his State from Jammu to Tibet, he showed no preference for either of them. He declared "Justice" as his religion and merit as a deciding factor for all types of employments. Caste, creed, religion or sex received no consideration. Employment in the State Army, however, remained reserved as in British India for fighting classes only, including Mohammadans from Jammu Province, who formed a substantial part of the State Army.

Some people in India are today looking for a definition of secularism, one fails to understand what was wrong with the secularism described above practised by Maharaja Harisingh several decades ago and now even embodied in the Indian Constitution. The trouble is not with the definition of secularism, but with the proper application of it. The real trouble is that Muslims in the Indian sub-continent with of course a few exceptions are averse to any secularism which does not give them preference on the basis of religion. The partition of the country, and attempts at perpetuating special status, or greater autonomy, for the Muslim majority State of Jammu and Kashmir, are the proof of it, if any is needed.

As was expected the Muslims in Kashmir soon got fed up with this policy of equal chances for all on the basis of merit and following in the footsteps of their co-religionists in British India began to demand a share in Government services on the basis of religion.

On pressure from all sides including the political Department and communal and political parties, both inside and outside the State, the policy of selection by merit was modified to allow fifty percent appointments, and scholarships for higher studies, to go to Muslims. The Scholarship Selection Board and the Services Selection Boards were instructed accordingly.

To improve the chances of State subjects for getting superior appointments in the State. Maharaja Harisingh issued orders to the effect that claims of hereditary State subjects for appointments should be considered superior to those of outsiders. The term hereditary State subject was later defined to mean all persons born and residing within the State before the commencement of the reign of Maharaja Gulabsingh and those, who settled therein before the commencement of Samvat year 1984 (1885 A.D.) and have been since permanently residing therein.

Non-State subjects were then completely debarred from getting into the State service or from purchasing agricultural land in the State.

This went against the interests of a large number of Hindus settled in the State after 1885, and rendered them ineligible for State services and for purchasing land in the State, but was so much in the interests of the Muslims that all the three Governments of the State, after Maharaja Harisingh, have clung on to this order even though it makes nonsense of their claim that the State was as good a part of India as any other State. And when the people of the rest of the country demand an explanation for this discrimination, the blame is laid at the Maharaja's door, although many other things done by the Maharaja and even the Maharaja himself have been wiped out by them.

Many other steps were taken by Maharaja Harisingh to ensure that the Muslims do not suffer in any way. The passing of land Aliénation Act, which protected the tenants, (almost all Muslims), from being deprived of their land holdings by money lenders, (almost all Hindus); and the Agriculturists Relief Regulation under which the maximum interest that could be charged by money lenders from agriculturist debtors was 12 percent, provided the total interest charged did not exceed 50% of the amount originally lent. Both, though fully consistent with the Maharaja's declaration that his religion was justice, went in favour of Muslims.

Some other steps taken by Maharaja Harisingh to overhaul the administration and transform the life of his subjects are very briefly mentioned below to show that while special problems, which he alone had to face engaged his attention, his normal efforts to better the lot of his people were in no way neglected.

At the time of his Raj Tilak, he conferred on the villagers the right to possess as Raj Tilak boon additional land upto 100 percent of their Shamlat Deh, out of the Government Khalsa land available in their villages. This too mostly benefitted the villagers of the Kashmir Valley, as no such land was available in Jammu villages. He assimilated his private property yielding an annual income of Rs. 24 lacs into the State. He introduced free but compulsory primary education in all Municipal Towns, increased the number of educational institutions from 706 in 1925 to 20728 in 1945 raised special grants for encouragement of scholars of backward communities and of Mohammadans to more than double, and sanctioned special scholarships for Sikh students. Two main Hospitals with upto date equipment were constructed one in Jammu and the other in Srinagar. Several dispensaries, Leper asylums and centres for anti-rabic treatment were established, and maternity blocks were also added to Zenana Hospitals. Smoking by children below fourteen was prevented by law. Temples were opened to Harijans in 1931. Widow remarriage was legalised in 1923. Age limit for marriage was fixed as 18 for boys and 14 for girls long before the Sharda Act was passed. Co-operative Society and Agricultural credit societies were introduced. Consolidation of land holdings was accelerated. 'Begar' or forced labour was altogether abolished. The system of grain control was established to help the poorer section of the population. Several important roads and bridges were constructed. Irrigation and flood control works were undertaken. Industrial board was constituted. Some new, Government and private factories, and a woollen mill came into being. Mining resources of the State were exploited. Industrial exhibitions were arranged. The Army and Police were reorganised on modern lines.

In the field of democratic participation by the public in the administration of the State Maharaja Harisingh was among the most progressive Indian Princes of his time. He appointed a franchise commission and in 1934 the Praja Sabha (State Legislative Assembly) was brought into being consisting of 75 members; 60 of whom were non-official including 33 elected members. In 1934 the number of

elected members was raised to 40 and in the same year the State Constitution Act received the Maharaja's assent. In 1943 by grant of letters Patent the Status of the State High Court was raised to that of other High Courts in India. In 1944 a democratic element was introduced in the State Cabinet for the first time, by the inclusion of two ministers out of the elected members of the Praja Sabha.

These are a few of the so many steps taken by Maharaja Harisingh towards the uplift of his people. A comparison with other States would show that the State during Maharaja Harisingh's regime was easily one of the most progressive and advanced States of India.

Maharaja Harisingh was a patriot to the core and had a great sympathy for the Congress struggle for independence. He often prayed for its success. When once someone suggested that if Congress came to power the Princes would not have a fair deal. "Oh, a small hut in Independent India would do for me" was his reply. Little did he realise what Nehru's Independent India would mean for him. He made a bold speech at the Round Table Conference in 1930, declaring himself as Indian First and Indian Last and expressing his sympathies with the cause of Indian Independence much to the dislike of the Political Department. He also pointed to the communal harmony in his State as a living example of how Hindus and Muslims could live peacefully like brethren. This in fact was an invitation to trouble and before he returned to the State after the Round Table Conferences, the Political Department had set the stage for communal trouble of the worst type in the State.

The idea of carving a Pakistan had already been mooted by Allama Iqbal as early as 1924, and Kashmir was naturally a part of it. The Mohammadans of the State could not remain aloof for long from happenings in British India, where relations between Hindus and Muslims were far from cordial. The reason being preference of Mohammadans for Muslim unity to patriotism, which was to a large extent encouraged by the introduction of separate electorate under the Montagu Chelmsford reforms in 1919. In the light of this for any Hindu to win the confidence of Mohammadans was next to impossible, Mahatma Gandhi was unable to do so in spite of all that he did for them even at the cost of his life. Maharaja Harisingh was no exception. Grievances the people did have, as they always would have. Not only Muslims but Hindus too had them and there was

no lack of effort on the part of the Maharaja to do everything possible to redress the genuine grievances. Deep rooted communalism was, however, difficult to satiate. The more His Highness Government did to satisfy the Mohammadans the more dissatisfied they pretended to be.

As a matter of fact the Maharaja had a soft corner for Mohammadans. Nawab of Palampur was one of his best friends Nawab Khusro Jang a Mohammadan from Hyderabad was his Minister-in-Waiting and Army Minister for years, his personal Staff such as A.D.Cs and others often consisted of Mohammadans, even his cooks were often Mohammadans, until a planned but unsuccessful attempt to poison him through one of them was made, which put him wise. He contributed for the construction of Mosques and sometimes attended Id-gahs. With such pro-Muslim leanings the question of his being unfair to them did not arise. Even at the time of the agitation in 1931, two out of four Cabinet Ministers, some heads of the Departments, and several high ranking gazetted officers were Muslims. In any case the Muslims in Kashmir were very much better off than the Hindus in the Hyderabad State who formed 90 percent of the population of that State, but whose ruler, the only, His Exalted Highness in India, was a Muslim.

Minor communal disturbances sometimes took place both in Jammu and Srinagar which gained intensity after Sheikh Abdullah a product of the Aligarh Muslim University and a dismissed school teacher appeared on the scene in 1930 as a communal leader. This gave impetus to the communal ideology in the State, and with the blessings of the Political Department the stage was soon all set for communal unrest. The arrangements that had been made by Muslims in British India for DIRECT ACTION in Kashmir were geared up and only the word "GO" was awaited. Maharaja Harisingh appreciating the situation and sensing trouble issued the following historical proclamation to his subjects on 9th July 1931 :

"To my Beloved People

"From time immemorial all communities within the State have been living on terms of closet harmony and friendship administering each other and I used to take the greatest pride* in the progress"

*This pride he expressed during his speech at the Round Table Conference in London in 1930 when he also demanded an equal place for India in the British Commonwealth.

fact that we were free from all communal strife, I am, therefore, pained to see that quite recently owing to external influences a changed and regrettable attitude is observable in certain sections in the cities of Jammu and Srinagar. This is greatly to be deplored. Two unfortunate incidents which occurred recently in Jammu city and which could not by any stretch of imagination be associated with any action or policy of my Government and for which the responsibility rested solely on the persons involved have been seized and widely misrepresented inside and outside the State, so as to convey to those who are not in a position to know the true facts that the policy of my Government is such that Islam is in danger. It is not my intention to deal with the details of these incidents in this message as they are being dealt with separately. So far I have preferred that my Government be judged by its actions alone. But numerous representations from my loyal subjects of all sects and creeds have reached me within the last few days to the effect that such agitation even though at present it finds no response generally, is calculated to promote communal strife and might even lead to breaches of the public peace in some cases. It has accordingly been deemed necessary to make this formal announcement of the policy and intention of myself and my Government in regard to such propaganda and communal relations within the State generally.

“At the beginning of my rule I announced to you, my people, that my religion is justice, that announcement has guided all my public acts and policies and I shall always adhere to it. I have not made, and will not permit any discrimination against any class of my people on the grounds of religion. The humblest of my subjects has free and direct access to me and any grievances my people may have can be submitted by them personally to me, subject to two fundamental conditions viz :

- (i) That Political activities are confined within the law of the land, and
- (ii) That no outside intervention is sought in any shape or form.

I have no desire whatever to suppress the legitimate requests and voice of my people, whether expressed in writing or in speech. It is my intention to give effect to these views, but I am unable to do so as long as communal tension exists, for fear of aggravating it. Consequently, the first essential is that the leaders of the various communities should take immediate action to put a stop to all political activities tending to prevent the establishment of friendly relations between them. As soon as it is reported to me that any community has faithfully responded to my desire, I shall be prepared to receive and consider most sympathetically any representation that community may desire to submit to me.

“Every person within the State is, and shall always be, free to practise his own religion, subject to the paramount necessity of maintaining public peace and public order. I particularly wish to refer in this connection to a malicious rumour now being spread that cow killing is shortly going to be permitted. This malicious rumour has no foundation whatsoever and it has given me great pleasure to receive from Muslim subjects spontaneous condemnation of such an insinuation likely to injure the religious susceptibilities of any other community. There is no question whatever of making any change in the matter.

“In regard to the recruitment for the State Services prior consideration is, and shall always be, given to the public interest and the obligation of maintaining the efficiency of the administration at the highest possible level can never be overlooked. There is also no desire to follow a blind rule of percentages for the various communities irrespective of considerations of qualification and merit. Subject to these considerations the policy governing recruitment will be such that no one class or community should gain undue preponderance in any branch of the public service and that adequate representation is secured to duly qualified classes and communities of my people. Instructions to this effect have been recently issued and I shall watch closely their practical execution by my officers.

“I have dealt above in a brief manner with what I conceived to be points of major importance with regards to which some misunderstanding prevails in certain quarters. I trust such misunderstanding will be dispelled by this authoritative enunciation of my beliefs and intentions, with regard to these points. It is my aim to carry on the administration in consonance with these views in your

best interests. Whenever I have found that any of you have been led into wrong action, I have always tried to make you see the error of your ways and to win you over to the right path by reasoning and conciliation. I am not a believer in false ideas of prestige, for I hold that just action is a sign of strength and not weakness. But should, God forbid, all appeal to reason fail, I must discharge in effective manner the supreme responsibility which rests on me for the administration of law and order. I cannot allow my Govt. to be coerced by threats into unjust action and it is my duty to protect the law abiding sections of my people from encroachments on their lawful rights. The immediate burden of maintaining law and order necessarily falls on the magistracy and the Police whose duty it will be to see that the law is upheld at all costs, and where law is defied, its authority will be restored. It is the duty of the Police to act impartially and with calm judgement in such emergencies and I wish to assure them that they will be supported by myself and my Government in the due discharge of their duty and will not be sacrificed to unjust clamour or intrigue.

“In conclusion, I trust that the old policy of “Live and Let live” which characterised your relations with each other in the past will be restored. It is easy to excite public feeling by misrepresentations, but it is difficult to restore harmony and friendship. Do not attribute false motives to those placed in authority over you or to one another. As regards people outside the State, whether Hindus or Mohammadans, I ask them not to interfere in any way in matters concerning my State and my people, as I do not interfere in matters concerning British India and British Indians. The whole basis of political action is impaired if one political unit interferes in the domestic concerns of another. I do not wish to claim immunity from legitimate criticism of the acts and policies of my Government, which, I have no hesitation in saying, have always been designed to promote the normal and material progress of my people. It is my duty and my one aim in life to maintain the progressive character of my administration. But this end is defeated by unjustifiable outside intervention which has, within the last few weeks, done nothing but immense harm to the true interests of you all. I pray to God that you will receive the light of truth and wisdom and that you will live peacefully and happily with one another as before.

Sd/- HARISINGH

G.C.I.E., K.C.V.O., LL.D.,

Maharaja of Jammu and Kashmir”.

CHAPTER IV

THE COMMUNAL DISTURBANCES

This unambiguous policy statement every word of which the Maharaja literally followed and which would put to shame any secular Democratic Government today, did not for obvious reasons have the desired effect. Meetings were held at Sheikh Abdullah's house at Sovra and inflammatory speeches were made in Juma Mosque and other religious places.

A British Military officer helped one Abdul Qadir a religious fanatic from Peshawar to enter Kashmir in the guise of his cook. He was an excellent speaker. At a meeting at Khandqā-i-Mualla, he was invited to speak and he made a speech there of a highly seditious and communal nature quoting frequently from Quran in support of his inflammatory statements. He was naturally arrested and charged before the court. The crowds not only resisted the arrest and shouted objectionable slogans, but also threatened to obstruct the work of the court, which was then held within the premises of the Central Jail.

On the 13th of July 1931, the day fixed by the Court for hearing of the case. Communal disturbances of the worst type took place in Srinagar city and its suburbs resulting in the looting and burning of Hindu shops and houses on a large scale and the death of about 13 persons on account of police and military firing. As the author was a member of the State Forces and was in charge of the Amirakadal (1st Bridge) sector of the city during these disturbances his personal account of the happening on that day is not likely to be taken as free from prejudice he would, therefore, confine himself to quoting the most impartial version available thereof, as well as the official opinion and leave the reader to form his own opinion as to whether the persons who were killed as a result of the police and military firing during these communal disturbances, created under the leadership of Sheikh Mohammad Abdullah long before he wore the national garb merited being officially recognised as national martyres.

In their memory the Governments that succeeded the Maharaja after Independence, and which claimed themselves to be secular and nationalist, are 'observing the black day of 13th of July as a National" Martyres Day" every year thus perpetuating pin pricking to the other community which suffered untold atrocities at the hands of the Muslims during this completely communal movement, and keeping the communal tension alive.

Here is how Mr. G.S. Raghavan formerly Editor of the "HINDUSTAN TIMES" the "NATION" the "SUNDAY TIMES" and others described these happenings in Srinagar in his book "THE WARNING OF KASHMIR" published in 1931.

He says :

"The hearing in Jail fell on 13th July. On that day, a mob stormed the Jail and demanded admittance along with the Sessions Judge. When the Judge had passed the gates, the crowd also attempted to get in. The outer gates had been forced and the inner gates were attacked. At the suggestion of the Judge, two muslim lawyers, representing the accused, harangued the visitors to go out of the Jail precincts. Finding that there was no possibility of ingress, the crowd went out and started stoning officials and set fire to the police lines. The Police force was then called in. All efforts to pacify the unruly mob proved futile. While there was commotion outside the Jail there was also disturbance inside, prisoners tried to force the iron gates. About this time certain prisoners were being taken from the court to the Jail. The crowd stoned the policemen and the prisoners were liberated. The prospect was by no means satisfactory. The District Magistrate who had been summoned to the spot by the time, declared the crowd to be an "unlawful assembly" and ordered its dispersal. The order was defied and finding that the mob could neither be pacified nor dispersed, the District Magistrate directed fire to be opened. The crowd fell off but later it re-assembled and resumed stoning. It had to be dispersed with a Lathi charge. Part of the crowd, however, moved towards the Hari Parbat Fort : the cavalry had to pursue it and disperse it again. Another section of the recalcitrants proceeded towards a place called Maharaj Ganj which is a business locality and loot over an extensive area followed. From Bhoori Kadal to Alikadal-a long stretch-the Hindu shops were raided. Other localities such as Safakadal, Ganji Khud, and Nawakadal too formed the centres of loot. Bazar streets were littered

with property; books of accounts were burnt; the Hindu shopkeepers were molested, in short, pendemonium prevailed.”

“The Hindu merchants lost lakhs worth of goods. Mr. Wakefield has affirmed that the articles were so strewn about the roads that his car would not pass; it is also his testimony that not a single Mohammadan complained to him about his premises having been invaded by the looters”.

“The most extraordinary portion of the story was that almost simultaneously with the happenings at Srinagar, there was an uprising at a place named Vicharnag, some 5 or 6 miles away. It has been stated that untold atrocities committed there; men owing lakhs were reduced to indigence and women were subjected to the worst possible and the most indecent assaults*. A military force was despatched to the place, but by that time the havoc had been completed. Elsewhere the Hindus were the victims of ambuscade. Some lost their lives and many suffered physical injuries. Stray assaults continued till long after”.

Three or four days after the events at Srinagar the Sangam Bridge over Jhelum on the Jammu Srinagar Highway was burnt.

The following communique was issued by the Government with regards to the disturbances :—

“Several conflicting reports have appeared in the Press regarding the serious roiting which took place at Srinagar on July 13. Soon after the occurrence, His Highness Government appointed a Commission of Inquiry consisting of Sir Barjor Dalal, Chief Justice as Chairman and two Judges of the High Court one a Hindu and the other a Mohammadan, two Hindu and two Mohammadan non-officials from among leaders nominated by their community as members to investigate the causes of the disturbances. “His Highness’s Government expecting a speedy report, was advised to defer publishing a communique until the Commission was in a position to make a statement of facts on the basis of the evidence presented before it. The Mohammadan non-official members, however, resigned their seats (the Hindu nonofficials members automatically fell out) and the Commission’s work has been delayed. In the circumstances, His Highness’s Government

*For statements made before the Roit Enquiry Committee see Appx. II.

considered it necessary no longer to delay publication of such facts as have been reported by executive officers and ascertained from various sources.

“At mid day on July 13 a crowd of about 5000 people assembled outside the Jail and stormed the Jail gate with the object of rescuing a prisoner who was being tried under sec. 124-A and 153-A for sedition and for making an inflammatory speech intended to create hatred between the two communities. They rushed the outer gate and overpowered the guard. Repeated attempts were made to rush the inner gate. The police arrested four persons, but this infuriated the mob, who started pelting the police force with stones and brickbats and set free four prisoners who were being escorted to the Jail. The quarters of the Jail guard were set on fire and telephone lines were cut. It was feared that all the prisoners in the Jail would escape. Attempts were made by some of the prisoners to snatch rifles from armed police, a few of whom had been seriously wounded by the mob. A Lathi charge was made, but it proved ineffective. Therefore, a warning was given to the crowd by the District Magistrate and the Dy. Inspector General of Police, who had been summoned by telephone before the wires were cut, that fire would be opened if the unlawful assembly did not disperse, but the mob continued the onslaught.

“The police were then ordered to fire. They fired first in the air but with no effect, and then at close range at the mob, more arrests were made thereafter. The rioters then receded and waited at a distance in two sections, one in Hari Parbat and the other in a lane. Another collection of Mohammadans went in the meantime to Vicharnag, which is situated at about two miles from the Jail and about five miles from Srinagar. A third proceeded towards the city.

“The Vicharnag party perpetrated untold atrocities on the people by violence, pillage arson and brutal assaults and outrages. They are said to have looted all they could remove and burnt and destroyed the rest. At about the same time looting started near Buherekadal. Most of the Hindu shops between Buherekadal and Safakadal including the important

market of Maharaj Ganj were looted and occupants wounded.

“Some of the Punjabi shopkeepers put up a fight in defending their shops, but were overpowered by force of numbers. The property lost is reported to have been worth lakhs. Hindu passersby were assaulted and robbed, some lying for their injuries and others narrowly escaping death. Lathis, knives and stones formed the weapons of offence.

“Military forces were sent to the city at once and dispersed the crowd at Maharajganj. The pillaging was stopped, but stray assaults with sticks, stones and brick bats on Hindu passers by continued. At places the mob assaulted the military pickets who had to fire in self defence.

“As a result of the police firing at the Jail, six men were killed on the spot and some fifty were wounded. Out of the latter, four died. In two skirmishes with the military two roiters were killed and three wounded, and the latter have probably all succumbed to injuries.

“Military patrols were established and the situation taken in hand. Altogether 336 roiters were arrested. Of these 217 have been released on bail for want of sufficient evidence.

“Conditions in the city are improving, but reports are being received which go to show that the agitators have been busy in the mufasil. Most of the Mohammadan shopkeepers of the city and towns outside are still observing hartal. cases of forcible conversion of Hindus accompanied by cruelty have come to notice from the mufassil. Several speakers are reported to have created commotion by their violent speeches. Some scuffles between Hindu and Mohammandans took place on the day following the roit and complaints have been received that some Mohammadan shops were looted although such of them as were inquired into by a high European officer turned out to be unfounded.

“The latest event is the burning of the wooden bridge over the river at Sangam which appears to be outcome of well planned affair. Suitable measures are being adopted by His Highness's Govt. to prevent further outrages.

Reliable Hindu and Muslim officers have been deputed to make inquiries into offences committed and their work is being supervised by the higher authorities. It is hoped that peaceful conditions will be restored soon. Warning has been issued to all peaceful citizens to dissociate themselves from those who have disturbed or are disturbing the public peace.'

Such is the origin of the "Martyres Day" in Kashmir which is now being officially observed as a National Day by the "Secular" Government of the State.

Sheikh Mohammad Abdullah was among the guilty persons. He was arrested, convicted and sentenced, but was released before completing his sentence as a result of amnesty granted by the Maharaja in 1932. He then established the All Jammu and Kashmir Muslim Conference and became its first President.

Though the Hindus had suffered badly at the hands of Muslims during the agitation the latter too did not escape the indirect effects of their own actions. The tourists both Indian and foreign had given the valley the go by and a large number of Kashmiri craftsmen all Muslims who depended very much on the tourists for their livelihood had to wait for better times to come.

In Jammu the "Ahrar Party of India" (a Muslim organisation) had started sending their volunteers in the State to create difficulties for the State Government. British troops were sent to Jammu outwardly to preserve law and order but inwardly to ensure that the movement was not suppressed by the State Government.

In these disturbances abetted by themselves, the political department found their long awaited opportunity to strangle the Maharaja. At their "Advice" the Maharaja appointed a commission presided over by B. J. Glancy of the Political Department to investigate the Muslim grievances and accepted its recommendations in full.

To throw some more light on the nature and origin of the above disturbances, a couple of statements made by eminent individuals and nonpolitical associations before the Roit Enquiry Committee appointed for the purpose of inquiring into the causes of the disturbances and proposing remedial measures have been reproduced in Appendix I. Hundreds of statements were made before the Commission but it is not possible to produce all of them here, only two of them representing opposing points of view and one of the residents of Vicharang

have therefore been reproduced. The organisers of the disturbances, however, had boycotted the Commission to escape being found guilty. It would appear from the statements as was evident even otherwise that the agitation was the outcome of a well thought out plan of All India Muslims inspired by the Political Department of the Government of India. Inadequate representation of Muslims in Government Services was, however, put up as an excuse. The chances of getting into Government service were equal for every body irrespective of religion, caste and creed, and if the Muslims were educationally too backward to get into service on merit, they had no one but themselves to blame. A Government which had even made primary education compulsory and free for them and was granting them special scholarships, had obviously laid no restrictions on their admission to the Educational institutions. If, however, the so called under representation in the Government services was due to any hidden hand of the Government, than what was the secret behind the employment of large number of non-muslims by the Islamia Schools and the Muslim traders.?

The figures produced before the "Roit Enquiry Commission" by Prof. R. K. Bhan M. A., F.R.E.S., in Appendix A to his statement are reproduced below along with his note, to give a correct idea of the educational position at that time :—

"Statements showing number of students on rolls of Sri Pratap College, Srinagar from 1920 to 1930 :

<i>Year</i>	<i>Muslims</i>	<i>Non Muslims</i>
1920-21	22	192
1921-22	17	211
1922-23	25	225
1923-24	28	270
1924-25	51	304
1925-26	69	345
1926-27	74	406
1927-28	83	466
1928-29	60	467
1929-30	93	453

NOTE :—The amount of Rs 3000/- (annual grant) is spent as special scholarships for Mohammandans students of the college, who can, and do compete, for open scholarships also the amount of which is less than the above sum. There are 5 scholarships of Rs 15/- per month per student, reserved for Frontier students* in addition to 30 percent freeships, a large portion of which is availed of by the Mohammadans. These figures are for S. P College, Srinagar only. The Commission can call for statistics for the whole State if it so choses.”

What else could the Government do to improve the educational backwardness of the Muslims which was of their own creation? Whatever it had done and was doing in this regard was already against its secular professions. It was for the Muslim organisations to take suitable steps to improve their educational standard and make them fit for competition with others.

To claim representation in services in proportion to their population even at the cost of merit is to introduce communalism of the worst type in the administration, which no sane Government could tolerate, any where in the world. The British introduced this menace in India for a set purpose, but they would never like to distribute Government services among the Catholics and Protestants in proportion to their numbers in their own country. The Glancy Commission later, however, threw all essentials of a good and efficient Govt. to the winds and made the most damaging recommendation known to the history of administration anywhere, that where a Matriculate Mohammadan was not available to fill a post, a middle pass Mohammadan should be employed in preference to a Matriculate non-muslims.

The part played by Mr. Wakefield, the Foriegn and Home Member in His Highness' Cabinet, in encouraging the agitation was highlighted by several witnesses before the Enquiry Commission and it was revealed by Mr. Wakefield himself before the Commission that when the Governor of Kashmir Raizada Tarlokchand rang him up to inform him about the gravity of the situation at the Central Jail on 13th of July. He was already with the British Resident on some other prtext. This shows how much in touch Mr. Wakefield and

*All muslims

the Resident already were with every step of the agitation. Mr. Wakefield was, therefore, quietly sent on leave and then removed and Raja Sir, Hari Krishan Kaul was appointed the first Prime Minister of the State. The whole administration was reshuffled and to restore respect for law section 19-L was imposed by means of an Ordinance issued by the Maharaja. Things in the State became normal once again, although mischief mongers went on exploring other venues of mischief.

CHAPTER V

QUIT KASHMIR

While the people of the State had settled down again to normal life and some Muslim leaders had even appealed to outside Muslims to leave the Kashmir affairs alone, an all India Kashmir Committee was formed at Simla by outside muslims to take up the cause of the Muslims of the State. They decided to send a deputation to Kashmir to have the grievances of the Muslims redressed. They also decided to approach the political department of the Government of India and the Viceroy for the purpose, and to observe 14th of August as Kashmir Day throughout India.

On the other hand, the Hindus of British India who had so far refrained from interfering in the affairs of the State, after having seen the plight of Hindus during the disturbances, found it difficult to hold themselves back and soon came a warning from eminent persons, like Dr. Moonje and Mr. C. Vijayaraghavachariar to the Muslims of India to keep their hands off Kashmir.

Although this warning from Hindus, however, eminent to Muslims who had the backing of the British Government did not in itself mean much, Sheikh Abdullah sensed in it the futility of carrying on a purely communal movement against a Hindu ruler, single handed, when there was no dearth of Hindus in India who were too willing to overthrow the Hindu Rulers of States (without caring for what happened in the States with Muslims rulers), if for nothing else, to prove their secularmindedness. The All India National Congress was committed to non-interference in the affairs of the States, so they had one of its offshoots in the form of THE ALL INDIA STATES PEOPLES CONFERENCE presided over by Pt. Jawaharlal Nehru, reserved for this purpose. Sheikh Abdullah found in them a ray of hope and doing a National and secular garb established cautious contacts with them. They also found in him the man they wanted and installed him as their President.

Khawaja Ghulam Abbas the Jammu's counterpart of Sheikh Abdullah, had already expressed his dissatisfaction at what he called

Sheikh Abdullah's neglect of the Jammu Mohammadans and now with Sheikh Abdullah's changed garb the All Jammu and Kashmir Muslims Conference was, in June 1939, split into the All Jammu and Kashmir National Conference under the leadership, of course, of Sheikh Mohammad Abdullah and All Jammu and Kashmir Muslim Conference headed by Khawaja Ghulam Abbas. While the Muslims of Kashmir by and large accepted the leadership of Sheikh Mohammad Abdullah, (except of course quite a powerful section with Mir Waix Moulvi Mohammad Yusuf Shah as their leader), the Muslim of Jammu generally followed Khawaja Ghulam Abbas. For Non Muslims to have any faith in Sheikh Abdullah was out of question. The people of Jammu had not seen him at all, and the Pandits of Kashmir had seen him too well to put their faith in him. In spite of this the Sheikh was now politically on a better footing. Although the nature, of his movement and his approach to all problems remained purely communal, he now had the backing of the All India National Congress through the All India States Peoples Conference in addition to the usual support of the political department and Muslim organisations of India.

With the Glancy Commission's report on the grievances of Muslims accepted by the Maharaja in toto, and the latter having even gone later to the extent of appointing two elected Ministers to his Cabinet, there was nothing much left for Sheikh Abdullah to do by way of having the muslim gridvances redressed, but he was too inflated by them to sit quiet.

The Quit India Movement of Mahatma Gandhi conducted in India in 1942 so successfully, was fresh in his mind. He decided to copy it in Kashmir and started a "Quit Kashmir" movement in May 1946 without considering whether there was any similarity of cause between the two. The "Quit India" movement was aimed at making the foreign rulers, quit the country, leaving it to the Indians to run their own affairs, but Quit Kashmir was aimed at making the Dogra Ruler, a son of the soil, belonging to the State itself, quit the State or the Government, leaving the Kashmiris to govern not only the valley but the whole of the J & K State. If the Dogras' of Jammu were according to Sheikh Abdullah foreigners in Kashmir, the Kashmiris could be nothing else in Jammu and the Sheikh while asking Dogras to quit Kashmir, should have applied "Quit Jammu" to himself. Dogras are more akin to ancient inhabitants of Kashmir than Sheikh Abdullah who has a trace, however, slight, of foreign

blood in him. That Aryan came to India from outside is a wishful western invention.

If it is made out that the "Quit Kashmir" movement was not directed against the Dogras as a community but against the so called autocratic system of Government. In that case the movement should have had the support of the people of the State as a whole and not only the Muslims of the valley. Ghulam Abbas who held the same position among the Mohammadans of Jammu Province as Sheikh Abdullah had among the Muslims of the valley, had publicly refused to support the movement, and any support from Hindus to this strange and undesirable agitation was out of question.

Not only that, Sheikh Abdullah went one further by telegraphically approaching the British Cabinet Mission which had arrived in Delhi to recommend ways and means of transferring power to Indians, for the abrogation of the Treaty of Amritsar of 1846* which he wishfully called "Sale Deed of 1846". Only those capable of making treaties can understand the difference between a treaty and a sale deed. Treaties are made between two or more chivalrous equals when they find that any other course would be disastrous for them. For Sheikh Abdullah who belongs to a race known for anything but chivalry the difference is difficult to discern. The Kashmiri as a race has been described by almost all historians who have attempted to write on Kashmir, their description does not very much differ from each other. Doctor Arthur Neve, who was among the first foreigners* who entered Kashmir and worked as a missionary there for years and was supposed to be a great well wisher of the people of the valley, whom he served through his Mission Hospital, describes Kashmiris in his book "Picturesque Kashmir" published in 1900 in these words" "They are treacherous as the Pathan, without his valour; more false than the Bengali but equally intelligent; cringing when in subjugation, they are impudent when free".

More recently Sir Zaffarullah Khan mentioned them in the Security Council in the following words** "One soldier armed with no more than a bayonet could drive 4000 Kashmiris in whatever direction he desired". Dr. Neve's old description may not be wholly true in respect of the modern generation and Sir Zaffar Ullah's

*See Appendix II.

**Two Nations and Kashmir P 21.

recent description may not be more credible than his other statements in the Security Council, but these may explain why some people in Kashmir do not understand the difference between a treaty and a sale deed. For Sheikh Abdullah not to understand the significance of a treaty is, therefore, not surprising. Whatever Sheikh Abdullah called it for his personal satisfaction, a treaty was a treaty and the very first line of the first article of this particular treaty i.e. "The British Government transfers and makes over for ever in independent possession .." is self explanatory. As is the case with all the treaties this treaty could not be unilaterally abrogated. Even if it could be, one fails to understand what would Sheikh Abdullah have gained by it. At the most the abrogation of the treaty would have meant reversion to the position that existed at the time of the signing of the treaty i.e. Sikh Rule with a Sikh or a Muslim Governor, which the Sheikh could never have intended to ask for. The conditions which then prevailed in the valley have been described by Moorcraft who visited Kashmir in 1824 Five Years after Ranjitsingh annexed it to his Kingdom with the active assistance of Gulab Singh (later Maharaja) in the following words :—

"Everywhere the people were in the most object condition, exorbitantly taxed by the Sikh Government, and subjected to every kind of extortion and oppression by its officers—not one sixteenth of the cultivable surface is in cultivation, and the inhabitants, starving at home, are driven in great numbers to the plains of Hindustan". He further states—"The sikhs seemed to look upon the Kashmirians as little better than cattle—the murder of a native by a sikh is punished by a fine to the Government from sixteen to twenty rupees of which four rupees are paid to the family of the deceased if a Hindu and two rupees if a mohammadan".

If this is what Sheikh Abdullah wanted to bring back for the Kashmiris by abrogation of the treaty, in preference to the benevolent rule of Maharaja Harisingh, God save the Kashmiris.

Again it was not by virtue of the treaty alone that Maharaja Gulabsingh annexed Kashmir to his State. He had to fight for it twice, once in 1819 for the Shikhs and again in 1846 for getting actual control over it after the treaty, to subdue the Sikh Governor Imam Din who resisted his entry.

Lord Birdwood in his "Two Nations And Kashmir" describes the transfer of Kashmir in these words "Kashmir did not immediately fall like a ripe plum into Gulabsingh's hands, since the local governor appointed by the Sikhs did not take kindly to the new loyalty demanded of him. British troops despatched to Jammu had, therefore, to ensure, that Gulabsingh was free to consolidate his position in Srinagar."

The "Quit Kashmir" Movement, went on for some days in the form of speeches and slogans and finally abruptly ended with the arrest of Sheikh Abdullah (who had remained in hiding for some time) on a charge of making seditious speeches.

CHAPTER VI

NEHRU'S RESTLESSNESS

The failure of Sheikh Abdullah's Quit Kashmir movement started with Pt. Nehru's blessings naturally came as a shock to Pt. Nehru. He could not but rush to his help.

He made an extremely irresponsible statement in May 1946 on his way to Srinagar based on what was conveyed to him by the National Conference reportedly through its Vice President Bakhshi Ghulam Mohammad with regard to the happenings in Kashmir during the "Quit Kashmir" movements in the following words :—

"Dead bodies are not handed to the relations for burial according to religious rites but are soaked in petrol and burnt. The mosques, including their inner shrines, have been occupied by the military. A wall of the Juma Masjid of Srinagar has been knocked down to allow passage for military lorries".

If he had a mind to see things for himself as he had stated where was the hurry in issuing a statement, based on fabricated hearsay? The State Government naturally advised him not to visit the Valley at that stage with his partisan attitude, but he refused to accept any such advice*. Even when consequently his entry in the State was banned, he forced his entry by pushing the guard, who had orders not to use force. He walked upto Domel Dak Bungalow, where he was provided with all facilities, including freedom to return to India, and the use of a State car for the purpose. He, however, insisted on proceeding to Srinagar which he said he would not give up until he was arrested. The formality of arresting him was, therefore, completed though he continued to remain free to return to India. The State car remained at his disposal for the purpose.

Mr. Jinnah had visited the State once in 1943 and had tried to inject communal poison into the already communal politics of the State, but as he championed the cause of the State Muslim Conference led by Ghulam Abbas, who was a rival of Sheikh Abdullah,

*The concerned correspondence is reproduced in Appx. IV

the latter was naturally not favourably inclined towards Jinnah with the result that Jinnah was hooted at a meeting he addressed at Baramulla on his way to Rawalpindi. When after Mahatma Gandhi's and Acharya Kriplani's visits to the State in 1947 and their meetings with the Maharaja, Pt. Ramchand Kak was dismissed from Prime Ministership. Jinnah again asked for permission to visit the State. This was refused. In view of the policy of the State not to permit interference from outside and also to justify withholding of permission to Jinnah to visit the State again for polluting the political atmosphere. Pt. Nehru's visit could not be differently treated. The visits of Mahatma Gandhi and Acharya Kriplani were quite different. They were confined to a meeting with the Maharaja, moreover Mahatma Gandhi, seasoned Statesman as he was, had even declared that the purpose of his visit was not to secure the release of Sheikh Abdullah. Nehru's visit, however, was of a partisan nature, which the Maharaja's Government could not allow.

On being persuaded by the Congress President, Sardar Patel and Lord Mountbatten, Pt. Nehru returned to Delhi on the condition that he would soon be permitted to return to the State. The following Press Note was issued by His Highness' Govt. regarding the Nehru episode :—

“It has been represented in a section of the British Indian Press that Pt. Jawahar Lal Nehru has made a friendly approach to His Highness' Government but they have shown him grave discourtesy in return. How far the accusation is correct will be clear from the following facts :—

Sheikh Mohammad Abdullah and several of his colleagues were arrested on the 20th May 1946 following a series of speeches delivered by him and his followers, which the Government considered objectionable, and a number of his followers were rounded up soon after. This was followed by disturbances in the city and elsewhere in the valley. As the authorities had a shrewd idea of the character and extent of plan of campaign of the National Conference they utilized the police and military combined in patrolling the city and other affected areas. Interviewed by a Press representative on the 26th May, the Prime Minister said that Pandit Jawaharlal Nehru would be welcome to study the situation for himself. But in a lengthy statement issued by

him the same day Pt. Jawaharlal Nehru published a number of a serious allegations against the authorities of the State. He, however, expressed regret that "the issue of the Ruler continuing or not was raised in Kashmir" without the concurrence either of the All India State Peoples Conference or of the Jammu and Kashmir National Conference. These allegations were categorically denied in a communique, issued by His Highness' Government on the 30th May 1946 and in a statement given to the Press by the Prime Minister. The most serious among these allegations, were also denied by the Associated Press and the special Correspondents of the Statesman and the Hindustan Times, in some cases on the authority of the National Conference quarters in Srinagar and none of them was borne out by 'any independent journalist or Press Agency. On the 27th of May Pandit Nehru called upon the States Peoples Organisation, its regional Councils, Praja Mandals, Lok Parishads, State Congresses and the Like all over India to hold meetings on the 2nd of June in sympathy with the "sufferers" of Kashmir. He directed these organisations to raise funds and keep ready volunteers for action in Kashmir. Soon after meetings of the Working Committees and the Council of the All India States Peoples Conference were held at New Delhi. The general sense of the meetings and the trend of the speeches of these meetings was that Sheikh Mohammad Abdullah's recent activities exceeded the limit set by the All India States Peoples Conference and the National Conference of Kashmir for their adherents, and the movement launched by Sheikh Abdullah was a "tactical blunder". Pandit Jawaharlal Nehru, however, followed with another statement on Kashmir in which he withdrew the most serious allegations made by him against the authorities and expressed regret for having made them. He, however, made the amazing statement that this did not alter the position in any way, as the allegations were not really important, and what was important was the "Wholly uncalled for and unwise" arrest of Sheikh Mohammad Abdullah and the subsequent action taken by the authorities. He also repeated what he had said before that "there can be no peace unless Sheikh Mohammad Abdullah is released".

"Interviewed by a representative of the Press, after Pandit Jawaharlal Nehru had issued his second statement on Kashmir

the Prime Minister said that Pandit Nehru has shown himself a partisan and no useful purpose would be served by his visiting Kashmir. In a telegram to His Highness the Maharaja Bahadur dated the 17th June 1946, Pandit Jawaharlal Nehru said that he was coming to Kashmir to help in putting an end to complications already existing there and that the State authorities should welcome his visit and give all facilities. His Highness wired in reply that Pandit Nehru's coming at this juncture would entail unfortunate consequences which it was the duty of all concerned to avert. Pandit Jawaharlal Nehru then sent a letter to His Highness which was delivered at the Palace on the morning of the 19th. But on the evening of the same day and before a reply could be sent to him he forced entry into the State with the support of a large body of men from British India, saying that he did not "care for the orders of Maharajas or Viceroy's". Earlier on the same day, he had told the Press at Lahore that one of the objects of his visit was to try to "put an end to the complications caused by the Policy of His Highness' Government". If the Pandit was coming to Kashmir with an open mind and for studying the situation, it passes one's comprehension why he was in a hurry to pronounce judgment on the action taken by the authorities and the actual situation in the State. It is patent that the attitude shown by Pandit Jawaharlal Nehru towards His Highness' Government since Sheikh Abdullah's arrest, has been far from friendly, in spite of his protestations to the contrary. His criticism of Sheikh Mohammad Abdullah's activities cannot be taken seriously against the background of his tirades on His Highness' Govt. admittedly launched without knowledge of facts",

Later Pandit Nehru returned to the State with the State Government's permission but with a greater sense of responsibility. He had publically contradicted his previous highly incorrect statement, mentioned in the Press Note on June 12, 1946 in the following words :—

"Two incidents I mentioned I should like to correct I have no present information which can substantiate them and regret that I gave publicity to these two incidents without sufficient proof. These two allegations are the burning of bodies of persons killed and the breaking down of the compound wall of the Juma Masjid. Very probably the deaths due to firing were much greater than those admitted

in the officials communique. How all the bodies were disposed of I can not say without much greater proof than I possess. As regards the allegation about the wall of Juma Masjid it appears that there is a wooden gate and a military lorry passing through accidentally dislodged some bricks of a column. This may have given rise to the story. Any how I am sorry that I stated something which was not correct."

Even this statement was not entirely free from an attempt to cover the lies that were put into his mouth by the leaders of the movement, but perhaps it becomes difficult to completely swallow back what is once vomitted. In any case even this much confession was a great thing.

A statement was made and was contradicted, when found false, probably to pave the way for a second visit to the State. There is nothing much in that, but the significance is in the extent of falsehood which Sheikh Abdullah's "National Conference" was resorting to, in order to humble the Maharaja and his Government.

Pt. Nehru was later allowed into the State. He quietly entered, lived in a House Boat, made the show of making an inquiry into the past happenings, and attended Sheikh Abdullah's trial for a few days in the capacity of his council along with Asaf Ali, who was defending Sheikh Abdullah on behalf of the Indian National Congress.

Sheikh Abdullah was convicted and sentenced to three years rigorous imprisonment in each of the three cases against him but the sentences were to run concurrently.

CHAPTER VII

INDEPENDENCE IN SIGHT

Mahatma Gandhi's Quit India movement had shaken the British Government to its roots. The attitude of the "Indian National Army" formed by Netaji Subhash Chander Bose out of Indian Prisoners of war in Japanese hands, and the Indian revolutionaries added fuel to the fire. On top of it, Mutiny among the ships of the Indian Navy proved to be the last straw on the camel's back and the British Labour Government took the painful decision of parting with power. They had even previously made half hearted attempts to transfer power by bits and pieces, but they were aimed more at creating disunity between, Hindus Muslims, Sikhs, Anglo Indians, Harijans, the Princes and the like, than transfer of power. This time while their interests remained the same they were sincere as far as the transfer of power was concerned. They produced plan after plan in quick succession beginning with the one that served their interests the least but was at the same time unacceptable to the Indian leaders, and ending with the one that served their interest most, and at the same time left the Indian leaders with no choice but to accept it. They had a soft corner for Muslims who were a minority in India and yet equating them with Hindus had been their guiding principle throughout.

The All India Muslim League led by Mr. Jinnah is not known to have ever taken part in the struggle for independence of India, or creation of Pakistan, jointly with other parties or separately, nor have they made any sacrifices for it their interests were British interest. All they did was that they placed their ever increasing demands before the British Government each time it felt compelled under the pressure from the Indian National Congress to consider the transfer of power and thus delayed the country's independence. In return for this behaviour which served the British interests, the British Government did not fail to reserve the lion's share for them. In March 1942, the British Cabinet Mission headed by Sir Stafford Cripps brought a proposal to invite the Indian leaders to draft a Constitution for a Dominion status for India, which would grant full independence including external affairs and defence, but it contained provisions for

separate home land for Muslims, should they desire to have it. It also left the Indian Ruling Princes free to join the Union of India that was to come into being as a result of the said proposal, or to have their direct relationship with the British Crown. The Indian leaders naturally rejected this proposal.

Another proposal was made by the Viceroy, Lord Wavell at the Simla Conference in June 1945 envisaging nomination of a new executive council, representing all sections of the people, with full control over all affairs, except the functions of the Commander-in-Chief. Jinnah claimed Muslim League's right to nominate all the Muslims representative but the congress refused to be recognised only as a Hindu body, when they had thousands of Muslims among them including some eminent personalities. This proposal also fell through.

The above two proposals were made to assure the muslims that their rights were more than safe in the British hands if they did not compromise with the Congress. The result was further stiffening of the Muslim League's attitude towards the Congress. Having thus made any rapprochement between the Muslim League and the Congress impossible, the British Government came forward with another plan in May 1946 proposing a united Independent India with overriding powers to the minorities in the name of safeguarding their rights. A United India in any shape or form was unacceptable to the Muslim League, particularly, when Pakistan was round the corner. Muslims held protest meetings against this proposal and even went to the extent of disrupting communications in the Muslim majority areas. Finally the Government decided to give effect to their plan for which they were tactfully preparing the ground for years i.e. of partitioning India into Muslim and Hindu countries, conforming to their policy of balance of power in Asia.

On Feb 20, 1947, the British Govt. announced its intention to transfer power to "responsible Indian hands" by a date not later than June 1948 and Lord Mountbatten was appointed Viceroy to give effect to it. He came to India on 22 March 1947 and finding any reproachment between the Muslim League and the Congress impossible he decided to proceed on the basis of the division of the country. On June 3, the British Government produced a plan for the partition of India and on July 18, the Indian Independence Act was passed by the British Parliament setting 15th of August as date for transferring power to India and the newly created Pakistan.

The Princes were given the option of acceding to one Dominion or the other by the 15th of August for three subjects, namely defence foreign affairs and communications only, failing which they were to look after themselves, as sovereigns of Independent countries

That the country had to be partitioned was most unfortunate but considering the stage the Muslim League Congress relations had reached, whatever the cause, there could have been no better solution. If the Congress Leaders carried their old headaches of undivided India to their own part of the country, for ever, in spite of having accepted partition which essentially was on communal basis, by rejecting Jinnah's offer of transfer of population, they have no one except themselves to blame. If they had accepted the realities of the time, most of the intricate problems which India has since been facing would have been automatically solved, and she would have been left free to direct all her energies and attention towards her social and economic progress. The conditions for the defence and security of the country too, would then have been extremely favourable.

As soon as the intentions of the British Government to finally partition the country were sufficiently known, the Muslims of the areas which were later to form Pakistan (country of the pure) got busy with clearing their future country of impure people, the Sikhs and Hindus, by looting and burning their houses killing their men and abducting their women in large numbers.

The Congress in India being committed to secularism was unable to retaliate, nor were they able to do anything to prevent the happenings in the Muslim majority areas, except issuing joint appeals, Mahatma Gandhi endangered his life by touring most remote and insecure parts of Bengal such as Noakhali, populated largely by Muslims and preaching Hindu muslim unity, but to no permanent effect.

Secularism was all right but if it meant silent spectatorship to the massacre of thousands of Hindus in certain areas of the country and abduction of their women it was surely intolerable for most of the Hindus in the rest of the country, and the result was retaliation. All this had started in anticipation of, the creation of Pakistan and continued for sometime after it in its severest form. Of course in its milder form it has not ended to this day.

The State of Jammu and Kashmir, however, remained unaffected until Pakistan herself encouraged trouble in Poonch area. Hindu

refugees from Sialkot entered the State in Jammu in large numbers after losing all they had in Pakistan and finding the Mohammadans round about Jammu safe and happy committed acts of aggression against them, which resulted in communal tension in Jammu Province followed by communal disturbances. The Mohammadans who even though had collected some arms and ammunition including automatic weapons, which were later recovered from them, being in a minority suffered some loss.

The State Government in consultation with the local Muslim leaders decided to provide transit to those who desired to go to Pakistan, and arranged for a number of buses for carrying them to the border. As the convoy carrying Muslim migrants came well out of the populated areas, they were unfortunately attacked by some Hindu refugees from Sialkot whom some deserters from the cantonment had also joined. Army was called in and had to open fire to rescue the migrants, a few of whom had been killed and some women abducted, before they crossed over to Pakistan.

The Rulers of princely States, numbering more than five hundred were left with a difficult choice. It is they who were required to make a supreme sacrifice for the integration of the country. While the Indian leaders could look forward to getting some benefit on gaining Independence in the form of Prime Ministership, Ministership, Governorship, Ambassadorship, Membership of committees, grant of licences and permits or at least some monetary help as political sufferers, the princes had nothing but to surrender their power and position for the sake of the country's Independence and suffer humiliation at the hands of Indian leaders who were afraid of their immense popularity within their States. Patriots to the core as they were, they welcomed Independence and with it their own ruin. True that they had no other alternative but they could create a hoard of difficulties. If all of them had acted the way the Nizam of Hyderabad did, jointly or individually, with or without collaboration with some foreign powers, (quite a few of which could have been only too glad to help), the Government of India which has not been able to settle the issues with Naga and Mizo Hills people twenty five years after Independence, would not have found it easy to deal effectively with the situation just at the onset of their rule,

Under the Indian Independence Act the right to decide which Union to join was given to the Rulers. The Rulers of most of the States, had no difficulty in arriving at a decision but in the case of Junagarh and Hyderabad where the rulers and their subjects disagreed on the choice of the Union to which to accede complications naturally arose.

The Nowab of Junagarh after declaring the accession of his State to Pakistan fled to that country and the Indian Government sent its troops to the State. In Hyderabad too, the issue had to be settled by a "Police Action".

Jammu and Kashmir was different from all. Here the Muslims were in a great majority and the Ruler a Hindu, but the Ruler as well as a great majority of his people, including Muslims favoured accession to India, much to the dislike of Pakistan. Sheikh Abdullah and his followers in the Valley owed much of their position to the congress leaders, but for whom they would have been rotting in one of the Maharaja's jails after their unsuccessful "Quit Kashmir" campaign in 1946. They naturally had great hopes on the Congress. Sheikh Abdullah was definitely in favour of accession to India though for three subjects only as proposed in the plan, specially if the other alternative was Pakistan, as it really was. He however had different plans at the back of his mind. A shrewd bargainer as he was he did not like to commit, without getting a price for it in the shape of removal of the Maharaja, perhaps to pave the way for a Sultanate for himself, after establishing a mini-Pakistan within India at the cost of India. His declared views on accession were "Freedom first (meaning removal of Maharaja) and accession to India or Pakistan afterwards".

Meanwhile the Maharaja was subjected to pressure from different directions. Pakistan, for getting the stand-still agreement, applied economic blockade to Kashmir to coerce the Maharaja into accession and also incited trouble in Poonch by sending armed infiltrators from outside who were joined later by some local muslims living on the border.

On the other hand the congress leaders and Mountbatten vied each other to visit Kashmir first; Mountbatten won, and visited Kashmir in June 1947, of course, at the "genuine invitation of the

Maharaja", and used in vain all his charm and tact to persuade the Maharaja to join Pakistan. The Maharaja got rid of him equally tactfully by avoiding to meet him under an excuse of ill health, at the time of his departure, when a final reply was to be given.

What advice was given to the Maharaja by Mountbatten, no third person knew, but even from what little Allen Campbell Johnson was able to disclose in his book "Mission with Mountbatten" his advice is not difficult to guess, Johnson states that he advised him not to make a declaration of Independence, but to join one dominion or the other by the 14th of August, after finding out the will of the people, and what is important assured him on the authority of Sardar Patel that if his decision was to throw his lot with Pakistan and join them in advance of transfer of power it would not be regarded as an unfriendly act by India.

Acharya Kriplani, the Congress President, visited Kashmir and met the Maharaja, and in the beginning of August Mahatma Gandhi himself went to Srinagar and met the Maharaja. What transpired between them is not on record, but the Maharaja, himself so keen to accede to India, must have placed before Mahatma Gandhi his difficulties, created mostly by the Congress Government, that were coming in the way of his accession to India. It also appears from events that followed that either the Maharaja or the Mahatma must have expressed the desirability of finding a more reliable substitute for Prime Minister, Ramchandra Kak.

The Maharaja's difficulties in the way of coming to a decision, however, remained unsolved in view of Sheikh Abdullah's bargaining attitude. If he had signed accession with India and fled to Delhi, as the Nowab of Junagarh did for Pakistan, the latter would have done in Kashmir what India did in Junagarh. He, therefore, offered for the time being to sign a standstill agreement with both India and Pakistan. While Pakistan had the wisdom of at least accepting it on paper, India refused to sign it "Until it had the approval of the people's representatives." Here is an explanation for the much talked of delay on the part of the Maharaja to come to a decision about

accession*. If the Indian Government then headed by Pt. Nehru was not itself interested in delaying the issue should they not have asked the Maharaja in reply to his offer of a standstill agreement, to make up his mind and accede to one dominion or the other by the fixed date and that the question of signing a standstill agreement did not arise. But that was not the case.

* The attitude of the Indian Government has been described by Campbell Johnson in his book *Mission with Mountbatten* (P 289) as follows :—

“When Kak (Prime Minister of the State) came to Delhi in July, he saw Patel, who told him that he did not want the accession of Kashmir against the peoples will, Through Mountbatten’s good offices he also saw Jinnah at this time”.

This attitude which contravened the Indian Independence Act 1947, gave Sheikh Abdullah a good handle for bargaining with the Maharaja and with holding the accession. Mountbatten’s interest in arranging Kak’s meeting with Jinnah indicates his bent of mind.

CHAPTER VIII

THE ACCESSION AT LAST

The Pakistan inspired armed revolt in a small part of Poonch along the Pakistan border was quelled with the stationing of some troops in the area and, it was all quiet in the Valley except for hectic political activity in connection with the accession. With the Indian Government's insistence on bringing in Sheikh Abdullah and the latter's insistence on "freedom first and accession afterwards", 15th of August passed without any decision on accession and with it sovereignty reverted to the Ruler. Even the British officers in the service of the State presented their swords to the Maharaja for the first time at a Durbar, and it looked for sometime that for the State to remain Independent was perhaps in the best interest of both the Dominions and the State, under the existing circumstances.

Sheikh Abdullah was released on the active intervention of Pt. Nehru and his Government on Sept. 28, but only after he pledged loyalty to the Maharaja and his family.

In the first speech he made after his release he, however, reiterated "our first demand is complete transfer of power to the people in Kashmir. Representatives of the people in democratic Kashmir, will then decide whether the State should join India or Pakistan."

Prime Minister Kak was replaced by Maj. Gen. Janaksingh in August 1947, as an interim measure, and Justice Meherchand Mahajan Chief Justice of the Punjab High court, was appointed Prime Minister in October 1947.

Taking these events as an indication of Maharaja's inclination towards India. Pakistan accelerated its anti-State activities and even concentrated armed Pakistanis, tribemen and others all along her long border with the State. Noticing this trend Maj. Gen. Scott Chief of the Staff of the State Forces and Mr. Powell the Inspector General of Police, who had their contacts with some British officers in Pakistan and even received code messages from them resigned and left the State via Murree Pakistan.

On October 10, 1947, the Maharaja called the author, who, had retired from service, to the Gulab Mahal Palace, and after explaining that he was sensing an invasion from Pakistan, and was, therefore, in need of War experienced officers, asked him to rejoin service to which the author agreed. His Highness expressed the necessity of re-raising the Mountain Batteries and asked the author to put up a Scheme, which the author did the next day. The author was then sent to Delhi with a letter to Sardar Patel and a list of guns, connected stores and some material for destroying Kohala Bridge, in case of need. The Sardar tried his best, but was unable to arrange anything under the set up then existing, with a British Commander-in-Chief and a Supreme Commander still there. That the State had not acceded to India, seemed to be the excuse. The author explained that His Highness wanted no delay in accession, and desired that it should be brought about immediately, but the Sardar said "No, No, Not, yet". The author, however, told him that the State Forces were already very highly committed and they would not be able to hold the invasion if it came. The author returned with the assurance that the guns and connected stores would follow.

The Maharaja visited the 4th J & K Infantry at Kohala where he asked its Commanding Officer Lt. Col. Narainsingh if he was satisfied with the loyalty of Mohammadans, who formed fifty percent of the Unit and the Commanding Officer, replied in the affirmative.

The State Forces were based on Rawalpindi arsenal for their supplies of Arms and Ammunition, which Pakistan had already stopped, and India was not in a position to help. With 8 Infantry Battallions of the State Forces, scattered all along the border from Ladakh to Kathua, (now held by a much bigger force) and with no means of even reconnoitring the border where huge enemy concentration was taking place, there was nothing that the State could do except to wait and see.

The invasion came with the dawn of Oct. 22, almost all along the border. At Skurdu, Mirpur and Poonch the State troops gave a good account of themselves and did not allow the attackers to make any headway for months. At Kohala, however, where the attack came from the flank held by the two Muslim Companies of the battalion, who betrayed the unit and crossed over to the other side with their Arms, the enemy had a complete walk over. The two Hindu Companies were cut off and soon the Battalion Headquarters

was wiped out. Muzaffarabad was ransacked, looted and burnt, women regardless of community were abducted and raped. There were no troops available at Srinagar, except a squadron of mounted cavalry. A company was pulled from somewhere and rushed to intercept the raiders as much beyond Baramulla as possible. They found the raiders approaching Garhi. Their Commander Captain Prithisingh was accidently wounded and was brought back to the Cantonment Military Hospital.

The Maharaja sent his Chief of the Military Staff, Brigadier Rajindersingh, to get first hand information about the situation. He found the company position at Garhi with enemy in overwhelming numbers approaching from all directions. As the company was without an officer, he decided to stay on and sent the situation report to the Palace through a Motor Cycle despatch rider, describing withdrawal from Garhi inevitable. But the Maharaja commanded him not to withdraw under any circumstances and to fight there to the last man and last round. It was Maharaja's this Command and its unflinching obedience by Brigadier Rajindersingh that saved Kashmir. These gallant men put up a heroic fight for three days. Brigadier Rajindersingh himself was killed and almost all others were either killed or wounded badly. The way was now clear for the raiders advance to Baramulla. They burnt the Mahura Power House, and repeated the atrocities of Muzaffarabad at Baramulla. Out of the population of about 15,000 about 5000 survived. Even the Saint Joseph's Convent Church and Hospital were not spared. Nurses and patients were brutally killed.

That, Pakistan called, the invaders tribesman and denied her own involvement in the invasion has no more value than the statement of an accused. The raiders were armed Pakistanis, very well trained and organised, commanded by officers of the Pak army including their Chief Commander General Akbarkhan (known also as General Tariq), who later became the Chief of the Pakistan Army. They were maintained and transported at the cost of Pakistan. Even papers like London Times by no means Pro-Indian had to accept Pakistan's involvement in aiding the raiders, although Margarret Parton of New York Herald, who followed Liaqat Alikhan, Prime Minister of Pakistan, along the entire 600 miles border with the State, saw no raiders bases and no Pakistan soldiers slipping to the Kashmir Front. Only hair splitting and political bungling could absolve Pakistan of the responsibility. At least India, could not fail to take

notice of this sort of invasion not only with the connivance of but also support from the Pakistan Government.

Pakistan had, however, declared that she had done everything short of war to prevent the raiders from invading the State, but she had not succeeded in doing so. If India, therefore, did something to stop them Pakistan should have thanked India, but it was not so.

The Maharaja sent his letter of accession to Lord Mountbatten through his Deputy Prime Minister late Mr. Ram Lal Batra on the 23rd of October along with personal letters to Pt. Nehru and Sardar Patel. A meeting of the Indian Defence Committee was held in Delhi on Oct. 25, under the chairmanship of India's Governor General Lord Mountbatten to consider the situation created by the invasion of the State. In spite of he now being the Governor General of Free India and not the Viceroy of undivided India, Mountbatten opposed the Indian Government's idea of moving their troops into the State. But finding them determined to do so, he tried to prevent it by bringing in the legal technicalities of Accession, and also insisted on the "Will of the People" being ascertained as if Pakistan which had already invaded the State was exempt from it.

V.P. Menon, Secretary to the Government, Ministry of States then flew to Srinagar to discuss the situation with the Maharaja. He also advised him strongly to move down to Jammu to be easily available to the Government of India for negotiations if the situation so demanded. On Mr. Menon's return to Delhi on the 26th accompanied by Mr. Mehrchand Mahajan, the Accession requested by the Maharaja and separately supported by Sheikh Abdullah was accepted.

The Maharaja and the State Government offices usually moved back to Jammu, the Winter Capital of the State, after Dussehra every year. But owing to the situation created by the invasion the Maharaja had decided not to move for the time being. On the strong advice of V.P. Menon, he, however, left for Jammu, late in the evening on Oct 25. The Dussehra Durbar, was held as usual on the 24th of October. Though much has been made of his this move to his Winter Capital, by his political opponents both in India and Pakistan, yet this was the only correct thing for him to do. Firstly, because if the raiders had succeeded in reaching Srinagar, where there were no troops at all they could have forced him to sign the Instrument of Accession with Pakistan, and secondly being in

Srinagar, he had become inaccessible to the Government of the country, to which he had acceded. Even when the Instrument of Accession was once brought back from Delhi by Mehrchand Mahajan for some crossing of t's and dotting of i's at the instance of Mountbatten who probably wanted to delay it for a few days at least. Mahajan would have been unable to have the needful done in time, if the Maharaja had not by then moved down to Jammu as no planes flew to Srinagar that day on account of bad weather.

The question of the Maharaja having fled to Jammu did not arise at all. If he did not leave Srinagar for safety during the crucial days before Accession, now when as a result of Accession Defence of the State had become the Centre's responsibility and the Indian troops were likely to arrive any moment his fleeing to Jammu for safety made no sense. Even if he had done so he would have only done the right thing. Have no other heads of States, even without invasion from outside, left their countries altogether only to be welcomed on their return later? Only a few years back the King of Nepal had to leave his country in unfavourable circumstances and he was reinstated with Nehru's assistance. The present Shahanshah of Iran flew out of his country for safety during an uprising against him not very long ago but soon returned to his country with flying colours. Chiang Kai Shek is sitting comfortably in Taipeh, after fleeing his country and is still being recognised as head of the Chinese people. He was until recently counted among the Big Five with a power of veto, in the Security Council.

Apart from all this, although the main Pakistan thrust had come in Kashmir, Pakistan had not neglected the Jammu borders, their troops as well as civilians were raiding towns and villages well inside the State borders, in Poonch, Mirpur, Kotli, Rajouri, Naoshera, Bhimber, Deva Batala etc. Jammu was not, therefore, altogether free from problems requiring the Maharaja's immediate attention. Thousands of helpless refugees poured into Jammu from all these places who were in need of good looking after. The Maharaja apart from keeping in touch with the military situation which by then was in the hands of the Indian Army, toured the borders and spent most of his time in the Refugee Camps, distributing blankets, mats, cloth and rations and looking after other arrangements.

In any case moving to his Winter Capital just a day earlier than usual at a time when safety of Srinagar was better assured and



The author (left) with Maharaja
Those standing are Col. Sir K. N. Haksar (left) and Brigadier Faqir Singh

Jammu itself was not free from problems requiring the Maharaja's attention; with or even without the strong advice of Mr. Menon, was not only not objectionable but was the only right thing for the Maharaja to do under the circumstances. To do otherwise would have been a blunder. Even Sheikh Abdullah the then "Sher-e-Kashmir" (Lion of Kashmir), who made political capital out of Maharaja's move to Jammu had already quietly fled to Indore with his family, of course on the pretext of meeting his brother-in-law.

The final letter of the Maharaja dated 26th Oct. 1947 offering accession which gives an insight to the situation then existing is reproduced below :

"My dear Lord Mountbatten,

I have to inform your Excellency that a grave Emergency has arisen in my State and request the immediate assistance of your Government. As your Excellency is aware, the State of Jammu and Kashmir has not acceded to either the Dominion of India or Pakistan. Geographically my State is contiguous with both of them. Besides, my State has a common boundary with the Union of Soviet Socialist Republic and with China. In their external relations the Dominions of India and Pakistan cannot ignore this fact. I wanted to take time to decide to which Dominion, I should accede or whether it is not in the best interest of both the Dominions and of my State to stand Independent; of course, with friendly and cordial relations with both. I accordingly approached the Dominions of India and Pakistan to enter into a standstill agreement with my State. The Pakistan Government accepted this arrangement. The Dominion of India desired further discussion with representatives of my Government. I could not arrange this in view of the developments indicated below. In fact, the Pakistan Government under the standstill agreement is operating the Post and Telegraph system inside the State. Though we have got a standstill agreement with the Pakistan Government, that Government permitted a steady and increasing strangulation of supplies like food, Salt and Petrol to my State.

"Afridis, soldiers in plain clothes, and desperadoes with modern weapons have been allowed to infiltrate into the State, first in the Poonchh area, then from Sialkot and finally in a mass in the area adjoining the Hazara District on Ramkot side. The result has been that the limited number of troops at the disposal of the State had to be dispersed and thus had to face the enemy at several points simul-

taneously, so that it has become difficult to stop the wanton destruction of life and property and the looting of the Mahura Power House, which supplies electric current to the whole of Srinagar and which has been burnt. The number of women who have been kidnapped and raped makes my heart bleed. The wild forces thus let loose on the State are marching on with the aim of capturing Srinagar, the Summer Capital of my Government, as a first step to overcoming the whole State. The mass infiltration of tribesmen drawn from distant areas of the North West Frontier Province, coming regularly in motor trucks using the Mansehra Muzaffarabad road and fully armed with upto date weapons cannot possibly be done without the knowledge of the provincial Government of the N.W.F. Province and the Government of Pakistan. In spite of repeated appeals made by my Government no attempt has been made to check these raiders or to stop them from coming into my State. In fact both the Radio and the Press of Pakistan have reported these occurrences. The Pakistan Radio even put out the story that a provisional Government has been set up in Kashmir. The people of my State both Muslim and Non-muslims generally have taken no part at all.

With the conditions obtaining at present in my State and the great emergency of the situation as it exists, I have no option but to ask for help from the Indian dominion. Naturally they cannot send the help asked for by me without my State acceding to the Dominion of India. I have accordingly decided to do so and I attach the Instrument of Accession for acceptance by your Government. The other alternative is to leave my State and the people to free booters. On this basis no civilized Government can exist or be maintained. This alternative I will never allow to happen so long as I am the ruler of the State and I have life to defend my country.

I may also inform Your Excellency's Government that it is my intention at once to set up an interim Government and to ask Sheikh Abdullah to carry the responsibilities in this emergency with my Prime Minister.

If my State is to be saved, immediate assistance must be available at Srinagar. Mr. V.P. Menon is fully aware of the gravity of the situation and will explain it to you, if further explanation is needed.

In haste and with kindest regards,

Yours Sincerely,
Sd/-HARISINGH,

On Oct 27. Lord Mountbatten replied as follows :—
My dear Maharaja sahib,

Your Highness' letter dated 26th Oct has been delivered to me by Mr. V.P. Menon. In the special circumstances mentioned by your Highness, my Government have decided to accept the Accession of Kashmir State to the Dominion of India. In consistence with their policy that in the case of any State where the issue of Accession has been subject of dispute, the question of accession should be decided in accordance with the wishes of the people of the State, it is my Government's wish, that, as soon as law and order has been restored in Kashmir and its soil cleared of the invader, the question of the State's Accession should be settled by a reference to the people.

“Meanwhile in response to Your Highness' appeal for Military aid, action has been taken today to send troops of the Indian Army to Kashmir, to help your own forces to defend your territory and to protect the lives, property and honour of your people. My Government and I note with satisfaction that Your Highness has decided to invite Sheikh Abdullah to form an interim Government to work with your Prime Minister”.

Sd/-MOUNTBATTEN
OF BURMA”.

This is how at last the accession of the State to the Dominion of India took place. The actual Instrument of Accession, the only relevant document legalising the accession signed both by His Highness and Lord Mountbatten was exactly similar to those signed by other States and contained no conditions whatsoever. The condition of reference to the people when law and order have been restored in Kashmir and its soil cleared of the invaders although against the letter and spirit of the Indian Independence Act and therefore constitutionally invalid was not, however, unacceptable to the Maharaja or the Government of India, as the accession had already been supported by Sheikh Abdullah who was then the unquestioned leader of the people of the Kashmir Valley.

On the morning of Oct 27, 1947, the first batch of troops from the Indian Army, about two companies of the 1st Battalion the Sikh Regiment, flew into Srinagar and were immediately despatched towards Baramulla in the waiting buses. They joined the last batch

of the State Forces under Captain Jawalasingh at Pattan 22 Miles from Srinagar. The heroic part played by the Indian Army first in defending and then in liberating the Valley is known all over the World. In spite of severe handicaps, resulting from the sudden replacement of British officers by Indians, quick promotions of junior Indian commissioned officers to high ranks, and lack of co-operation on the part of British officers who were surprisingly enough still holding key positions in the Army, the Indian Army acquitted itself extremely well. On the Pakistan side, notwithstanding their denials, the whole thing was not only planned but executed by the British officers. That the acting Commander-in-chief of Pakistan, General Gracey refused to carry out the orders of the Governor General Mr. Jinnah to despatch Pakistan troops to Kashmir at mid-night October 27, 1947 as maintained by Pakistan, and endorsed by her Western Allies, was meant to be an excellent hoax. How else could the wise General comply with his Governor General's belated orders when he had already done what Mr. Jinnah wanted him to do on the 27th of October ? The involvement of the Pakistan Army in the Jammu and Kashmir operations from the beginning of invasion of the State by Pakistan had been proved by the Government of India beyond any shadow of doubt, to the Security Council, by producing before them unquestionable evidence in the form of Captured Pakistan Arms and Regular Army men. Pakistan herself and her acting Commander-in-Chief confessed their guilt before the United Nations Commission but not without making another attempt to befool them and the World by stating that it was only a little before the U.N. Commission visited the spot, and found it there, that the Pakistan Army was sent into Kashmir. One, however, cannot help admiring the capacity of General Gracey for his loyalty to the cause of Pakistan, in having denied the involvement of the Pakistan Army from the very beginning of the invasion.

A Casual Observer, may find a few flaws in the performance of the Indian Army during the operations in Jammu and Kashmir but taking all the pros and cons into consideration particularly the difficulty of terrain and the length of the lines of communications, it can be said without fear of contradiction that the performance of the post-partition Indian Army in Jammu and Kashmir on the whole, was in no way inferior to its performance during the World War II in the Middle East and other theatres of war, when it was considered to be at the peak of its efficiency. The Indian Army can, therefore,

well be proud of its performance in Jammu and Kashmir in 1947-49. They had almost put the enemy to fight on all fronts when the Ceasefire was enforced apparently at the request of India's British Commander-in-Chief General Bucher through his Top Secret telegram 220835/MO3 dated 30 December 1948.

The performance of the Indian army and the Indian Air Force in Jammu and Kashmir as well as on all other fronts during the Short Indo-Pak War of 1965 and 1971 although not free from usual shortcomings, which must be made up for future, was really superb. It made the need for asking Pakistan for a No-war Pact infructuous. As she will not commit the folly of going to War with India again even without a no-war declaration.

By signing the Instrument of Accession the Maharaja practically signed his death warrant, but he did not mind anything, in the larger interest of the country. Although he had only offered "to ask Sheikh Abdullah to carry the responsibilities in the emergency with my Prime Minister", and this was "noted with satisfaction" by Lord Mountbatten and his Government, Pt. Nehru, who has not been a good judge of men, at least as far as Sheikh Abdullah and the Maharaja were concerned, (as later events also proved), started playing into the hands of Sheikh Abdullah, who had then been appointed by the Maharaja as "Head of the Administration with Mr Mehrchand Mahajan as Prime Minister."

Soon Sheikh Abdullah, acquired for himself the status of an Independent ruler, he consulted neither the Prime Minister nor the Maharaja, even in matters not within his competence, and undertook to overhaul the entire administration, haphazardly discharging, dismissing, retiring and transferring, high and low Government officials and replacing them by his favourites from the National Conference, whether qualified or not. So much so that newspaper Agents were appointed top Administrators, and persons from Co-operative Societies appointed as Deputy Commissioners.

In the pre-Independence days even the Maharaja (supposed to be an Independent ruler by virtue of treaties), was responsible at least to the Political Department if not to his people, but now Sheikh Abdullah was responsible neither to the Maharaja nor to any elected Legislative Body. The Political Department did not exist, and the Government of India was already at his back.

When the Maharaja complained of Sheikh Abdullah's highhandedness to the Government of India, some Ex-rulers of States already acceded to India like Maharaja of Jaipur, Faridkot and Patiala, were sent to him one after the other to advise patience. He asked Maharaja of Patiala to bring him answers to some of his points from Pt. Nehru and Sardar Patel. The author who was then on the Maharaja's staff accompanied the Maharaja of Patiala, to Delhi to bring back the replies. He did not know the points, but their replies were dictated to him by the Maharaja of Patiala. One reply from Sardar Patel was that "if there is trouble over Mahajan, let him go". Sheikh Abdullah had even publically threatened to arrest Mahajan, so he had to go.

Pt. Nehru wrote to the Maharaja in his own hand promising what was known as, 'Mysore Model', for the State, which meant that there would be a nominated Diwan to act as a link between the elected Prime Minister and the Maharaja, but hardly had the ink dried on this letter when another one came, again in his own hand, obviously at the instance of Sheikh Abdullah, saying, that the time was fast changing and it was not possible for him to stick to his own commitments made earlier and that 'Mysore Model' could not be applied to the State.

Sheikh Abdullah was then invited to form a Government which he did. He and the other members of his Cabinet presented Gold Sovereigns to the Maharaja as a token of their loyalty to him, as was the custom.

For the people of Jammu their new Prime Minister was an absolute stranger. They had seen him for the first time after he was imposed on them from above, as their leader. They had known him as a communal leader of the Valley and had looked upon him with suspicion. On account of his communal and regional approach to all problems he settled even after coming into power, he failed to win the confidence of the people of Jammu.

The most popular figure in Jammu was the Maharaja and all the efforts of the State's Publicity Department and all the money of secret funds could do nothing to change this position. In his presence there was no chance for Sheikh Abdullah to gain a foothold in Jammu. The Maharaja's removal was the only answer. All the Sheikh had to do was to suggest this to Nehru, who was already nursing a grievance against the Maharaja for having arrested him in

the old days. The British Government had often arrested him too, but they were too powerful still to be reminded about it. The Maharaja was now supposed to be a small fry in the mighty hands of Nehru. Nehru's ego felt like showing what he could do to the Princes, particularly, to the Maharaja of Jammu and Kashmir. He also wanted to please Sheikh Abdullah, who was insisting on the Maharaja's removal, on the fabricated pretext that he was responsible for the massacre of Muslims in Jammu. Even if for arguments sake, this was taken as true, Sheikh Abdullah who himself was not free from such responsibility for the massacre of Hindus, during 1931 in Maharajganj, Vicharnag and other places in the State, was not the right person to exploit it.

The Maharaja was invited to Delhi in 1949 and was not allowed to return to the State. He had to issue a statement that he was not returning on grounds of health. He appointed his son Yuvaraj Karansingh as Regent and went into what was called voluntary exile, at Bombay. His Privy Purse was reduced from Rs 15 to Rs 10 lakhs annually.

It was suggested to him that if he could once go to Delhi and meet Pt. Nehru his case was sure to be favourably considered, but he was the Rana Pratap of his time. Not only he did not visit Delhi, but he did not meet Pandit Nehru, the whole of his life; not even when Pt. Nehru, visited Bombay and stayed in a house next to his. Nor did he see anybody else for that matter. He however submitted a printed Memorandum consisting of about 90 pages to President Rajendra Prasad the receipt whereof was acknowledged by Pandit Nehru, and which has not since seen the light of the day. In that, he had not asked for any thing for himself but had only exposed Sheikh Abdullah and Pandit Nehru.

Sheikh Abdullah was allowed the pleasure of convening a Constituent Assembly for the State with the three fold object of :

- (a) ratifying the Accession of the State to -India already made by the Maharaja as a substitute for the promised plebiscite which had been made impossible by Pakistan by her refusal to withdraw her forces from the State,
- (b) to decide about the future of the monarchy in the State,
- (c) to frame a Constitution for the State.

As regards (a) the Sheikh was free to obtain the wishes of the people in the best way possible under the circumstances, and as regards, (c) it was just a matter of laying down what internal freedom was to be enjoyed by Sheikh Abdullah, which, of course was to be finally settled between him and the Government of India. However, the so called Constituent Assembly which derived its own powers from the Regent, who himself was subject to replacement by the Maharaja was obviously not competent to decide about the future of the Maharaja. Although a show of abolition of monarchy was made by the State Constituent Assembly, the Maharaja was finally approached by the centre and requested to abdicate in the larger interests of the country to which he obviously agreed. His son Yuvaraj Karansingh was elected as the Sadar-i-Riyasat.

Thus he was a great genius and a patriot who made Kashmir a part of India in spite of great perverse pressure and who could have proved extremely useful to the Independent India in more than one fields, wasted, and Sheikh Abdullah who later on proved to be extremely untrustworthy and even refused to recognise the fact of accession ratified by the Constituent Assembly with his full support, was unduly exalted, to the great detriment of the country. The Maharaja had judged Sheikh Abdullah thoroughly well and had always kept him at arms length, but Pandit Nehru gave him a fresh trial and thank God, he too had to do the same in the end.



His Highness at the Refugee Camp

CHAPTER IX

WORLD'S VIEW FOCCUSED

On January 1, 1948, the Govt. of India had knocked the United Nations door, with a complaint against aggression by Pakistan, but as was expected, there the matter became a subject for political jugglery. Instead of deciding the issue on its merits and according to International Law, the United Nation Security Council looked at it from a political angle, and the Government of India, the complainant, soon found itself in the dock. Even the proposal of plebiscite which the Government of India had themselves first made to the Maharaja at the time of accession and then repeated before the security Council, and which looked to be the only reasonable solution under the circumstances, was held in abeyance, for want of fulfilment of necessary conditions by Pakistan as laid down in the resolutions of the United Nations Commission for India and Pakistan dated 13 August 48 and 5th Jan 49 and in the security council resolution of 14 March 50. It is a pity that Pakistan was allowed to torpedo the plebiscite plan by slipping out of her commitments with regards to her essential responsibility in making the Plebiscite possible, and still pose before the world as a great exponent of a Plebiscite in the State.

Whenever she repeated her demand for a Plebiscite in Kashmir, to deceive the world, boost the Pro Pakistan element in the Valley, and to create uncertainty in the minds of Pro Indian element, the Government of the State as well as the Central Government of India, falling in their trap, came out with brief statements like "The State is as good a part of India as any other State, and the question of holding a plebiscite does not arise," or "We will not present Kashmir to Pakistan on a platter". Giving the impression that the holding of plebiscite was something against India's wishes, and that she would fight for its prevention. Pakistan however continued to repeat her demand for a plebiscite in Kashmir, inspite of having herself prevented it. Thus in the matter of propaganda, Pakistan has an edge over India. Not only the people in foreign countries, but most people in India some belonging to the intelligentsia are under the impression that it was India which had been all long preventing a plebiscite in Kashmir. The fact remains that India gave up the idea of holding a

Plebiscite, only when Pakistan had made it absolutely impossible by her failure to fulfil necessary conditions laid down in the first part of the concerned Security Council Resolution.

India could not neglect her responsibility towards economic development of the State, in step with the rest of the country. This obviously could not be undertaken without first removing the Political uncertainty about the State. Democratic methods other than a plebiscite had therefore to be employed to decide the issue. A Constituent Assembly elected on the basis of adult franchise, under arrangements made by Sheikh Abdullah, an exponent of Plebiscite himself, ratified the accession of the State to India.

Pakistan thus greatly disappointed accelerated her hate-India Campaign and even started trouble on the border of the State, as well as in the Rann of Kutch where her troops overran some Indian posts. Having thus tasted blood there they made a desperate bid in September 1965, to capture Kashmir, by sending thousands of heavily armed infiltrators across the whole Cease Fire Line. This was followed by a large scale armoured thrust across the Ceasefire Line and the International border towards Akhnoor in Jammu. Left with no alternative the Indian troops with the blessings of Prime Minister Lal Bahadur Shastri retaliated by crossing into Sialkot and Lahore areas of Pakistan. They also captured the famous Hajipir and several other important features across the Ceasefire Line.

The U. S. A. felt uneasy over Pakistan's plight and made indirect overtures for arranging a Ceasefire. But she was too partial to deserve India's trust. Russia then intervened by offering her good offices and the result was the Tashkent Agreement good or bad.

It is, however, certain that the Indo-Pak Conflict of 1965 has settled for ever what the Security Council could not do for years and Pakistan will think twice before it embarks upon a similar adventure again. No wonder people are again losing faith in peaceful settlement of disputes, and the United Nations Organisation will have to activate itself to create confidence in itself among Nations.

The invasion of Kashmir in 1947, its reference to the United Nations and the events that followed, gave the State international importance and brought it on the World Map. Many people, who had not heard of Kashmir before now claim to know all about it,

and those, who had the good fortune of visiting it once, have become authorities on it. Eminent personalities with reasonable knowledge have written books on Kashmir before and after the invasion of 1947. While there is very little controversy over what has been written before Independence, what has been written after Independence is highly controversial particularly the part played by Maharaja Harisingh. The same events have been described by different authors in the colours most suited to the political needs of their countries. Even "Danger in Kashmir" by no less a person than Czechoslovakian Dr. Josef Korbel who served as a member of the United Nation Commission for India and Pakistan (U.N.C.I.P) does not appear to be free from political bias. The same applies to Lord Birdwood's "Two Nation and Kashmir". The fact that the Lord is a British diehard is enough to cast doubts over his impartiality. While the former, at places has tried to give even the devil his due, according to latter for any one to be a Hindu is enough proof of his being cruel and unfair to Muslims. Another book written recently on Kashmir is "Looking Back" by late Justice Mehrchand Mahajan former Prime Minister of Jammu and Kashmir and chief Justice of India, whose impartiality is difficult to question. The author therefore, intends to make an attempt here to dispel the confusion that may have been consciously or unconsciously caused by some of the contents of the other two publications.

Taking Josef Korbel's "Danger in Kashmir" first, as its author's preface would show, his whole approach to the problem is anti-communistic and his only worry seems to be that if India and Pakistan continue to fight over Kashmir communist world was likely to gain. This does not seem to be the correct attitude of a member of a United Nation Commission, as the UNO represents all Nations including the communists. If a U. N. Commission was to take up a dispute between a communist and a non-communist country, could the communist country hope for justice from such a Commission? India though Non-aligned, is supposed to have a socialistic trend which is closer to communism and is, therefore, less entitled to Josef Korbel's sympathies than Pakistan. He does not seem interested in a just solution on the merits of the case but in a "satisfactory solution" good enough to prevent war between the two countries so that the communist countries do not step in. He says :

“If a satisfactory solution cannot be found the danger of an explosion remains ever present. If it comes there will come with it the moment which the communist world only eagerly awaits.”

“Should India and Pakistan consume themselves in war, surely the dark shadow would slide over the Himalaya's and the Pamirs and in its gloom there would have been found the unhappy solution to the problem of Kashmir”.

To wish justice to the countries in conflict with each other, on the merits of their cases is one thing and to wish a compromise at the cost of justice to the aggrieved party, just to prevent communists countries from stepping in is another. One's view of things depends on the angle from which he looks at them and Dr. Korbel's angle is evident from the beginning to the end of the book.

Josef Korbel is said to have collected his information from the leaders and people of India, Pakistan and Kashmir. No doubt they must have given him their respective versions of events, but one wonders from whom he obtained information about Maharaja Gulabsingh's performance during the sikh war with the British. He probably preferred to rely on Cunningham's distortion of facts for which he was removed from Political employment, than on authentic official statements. Here is what he says :—

“When after their defeat, the sikhs were ordered to relinquish their hold over Kashmir Raja Gulabsingh played his ace. He offered the British 7.5 million rupees (750,000 pounds) for the possession of Kashmir and the final result was the treaty of Amritsar.....”.

The same thing has been described by Lord Birdwood with lesser prejudice, in “Two Nations and Kashmir” (P 27) as follows :—

“After their war with the sikhs, the British demanded an indemnity of the Sikh Govt. in Lahore, but since little of it could be taken in money territory was ceded instead; Kashmir and the hill States from the Indus to the Beas were accordingly detached from the Panjab and transferred to Raja Gulabsingh as a separate sovereignty for the sum of pounds 1,000,000”.

If all inaccuracies contained in these books were to be discussed several volumes would be needed. A few of them only which show

some purpose, have, therefore, been discussed here. He goes on to say; "His (Maharaja Gulabsingh) purchase included Gilgit, but the Dogra Dynasty never succeeded in establishing their control over this remote and wild area". The question of Dogra Dynasty not being able to establish control appears ridiculous, if they could establish control over a more remote and similarly wild area upto the Chinese border in Ladakh, surely they could, as they actually did, establish their control over Gilgit ever since the transfer of this territory in 1846 till the British attempted their first encroachment on the Internal sovereignty of the State in this area in 1877. Even if the Maharaja was not able to establish his control over Gilgit, were not the British morally bound to help him in this as according to Lord Birdwood, they did in the case of control over Kashmir about which he says : "British troops despatched to Jammu had therefore, to ensure that Gulabsingh was free to consolidate his position in Srinagar. In fact, under the treaty previously concluded the British were under some obligation to render assistance, a circumstance which Maharaja Harisingh 100 years later was to remember with some bitterness".

The circumstances under which the Gilgit Agency went out of the full control of the Maharajas after 1877 have been described in details in the previous chapters.

On the same page Birdwood says, "Now, by the terms of the treaty of Amritsar, the Hindu Dogras possessed the territory, they immediately set out upon a policy of unlimited cruelty that seemed to vent upon the hapless Kashmiris all the pent up hatred of the Hindus for the five centuries of the Muslim rule". It appears that he collected his information from all possible sources but picked up only what served his purpose. While he has extensively quoted from KM Panikar's books out of context to strengthen his conceptions, he has avoided quoting them where any of them described the benvolence of the Dogra rule. Describing the Maharaja, without naming which one, he says, "The Maharaja was flattered by the exalted title of His Highness. He was a Major General of the British Indian Army and when paying a visit was saluted by 21 guns-one among five" "twenty one guns", Princes. His pleasures included gold, polo, tennis, and hunting. He delighted in extravagant parties, maintained expensive stables, and in all ways indulged himself with extravagant pomp and luxury. Not the least of his idle pleasures was his persecution of the Muslims and to his underlings he gave the blessings of their slaughter.

“At times this “amusement” took a bizarre turn. The story is told that on one of his tours, the Maharaja stopped at a river to watch the convicts working at the construction of a bridge. He was impressed by the skill of one of them and praised him, whereupon the convict asked for his release. “What was your offence?” asked the Maharaja. “Only a little matter”, said the convict, and explained that he had killed a little girl for her ornaments. The Maharaja took a pen and drew a line down and then across his trunk. Then a sawyer was ordered to saw the man in four pieces.....”.

In his eagerness to malign the Maharajas he did not hesitate to connect a 19th Century tell tale probably pertaining to Maharaja Gulabsingh invented by some interested person, with some Maharaja, Major General in the British Indian Army, whose pleasures were “gold, Polo, Tennis and Hunting”, who could be no other than Maharaja Harisingh of the 20th Century. No responsible person would have allowed himself to indulge in such mud slinging. He has quoted, “The India we served”, by Sir Walter Lawrence published in 1929 for the story of the convict pertaining to the period of Maharaja Gulab Singh 1846-57. Such old stories, some true others untrue are current in almost all countries of the world, and have to be trusted with care.

It is a pity that Dr. Josef Korbel who took upon himself the task of writing a book which among other things contained past history of Kashmir and Dogra Dynasty, should have failed to take notice of a book described by Lord Birdwood in his “Two Nations and Kashmir” in the following words :

“In a small library that I inherited..... there is one book which I would like to pull upon and browse lovingly, for its faithful illustrations no less than for its intriguing subject matter. It is “Kashmir” described by Francis E. Young Husband. The book published in 1900 is..... simple uncontroversial and direct in style...”.

This is how Sir Francis Young Husband has acknowledged in that book the progress that was being made during the Dogra rule. It is, however, to be remembered that the progress is to be compared with the conditions existing, in the past, and in the adjoining territories.

“First and foremost the land revenue has been properly assessed; it has been fixed in cash for a definite number of years and

the share claimed by the State has been greatly reduced, this was the great work of Sir Walter Lawrence. Then a first rate cart road up the Jhelum Valley has been made and well trained set officials has been introduced and they have been well paid. Increased, though not yet nearly sufficient, attention has been paid to education A great scheme for draining the Valley reclaiming wasteland and preventing floods has been commenced. As a result, and in spite of, the State taking a smaller share of the cultivators produce, the revenue has more than doubled. More land is being taken up. The population is increasing. The darkest days are over and the future is assured."

This relates to the period of Maharaja Pratapsingh. As regards Maharaja Gulabsingh, there were very few foreigners who visited the State in his time and fewer still were those who recorded their impressions in the form of accessible books, what little is available is produced below* to enable the readers to form their own opinion.

In their book "Life of Sir Henry Lawrence, Edwards and Merivale (Smith, Elder and Co. London) have recorded "the State Jammu and Kashmir when Maharaja Gulabsingh took over was deplorable. The Govt. took from two thirds to three quarters of the grass produce of land—about three times as much as is now taken. The crops when cut by cultivators were collected in stocks, one half was taken as the regular Government share and additional amounts were taken as prerequisites of various kinds, leaving one third or even only a quarter with the cultivators. Of this some was taken in kind and some in cash. The whole system of assessment and collection was exceedingly complicated and workable only in the interests of the corrupt officials and Government held a monopoly of the sale of grain".

Fredric Drew in his book "The Northern Barrier of India". (Edward Stanford London), says about Maharaja Gulabsingh "as an Administrator he was better than most of those of his own time", and adds "some qualities had Gulabsingh which mitigated the effects of an administration worked on the Principals above denoted

*From Warning of Kashmir by GS Raghavan, Poineer Press Allahabad Formerly Editor the Hindustan Times, the National, the Sunday Times, and others,

(the kind of administration Gulabsingh saw around him).¹ He was always accessible and was patient and ready to listen to complaints", and Gulabsingh was not wantonly cruel. "His tolerance and liberality in religious matters has also been remarked upon".

Indian opinion, however, impartial and eminent will probably not satisfy foreign critics but it cannot, in fairness to the Dogra ruling dynasty be omitted. Mr. G.S. Raghavan in his book "Warning of Kashmir" says :—

"The settled and purposeful existence of the inhabitants of Kashmir particularly begins with the advent of the Dogra Rajput rule in the middle of the 19th Century. Before that period, save for a few welcome and occasionally considerably long breaks life to them was one unrelieved state of turmoil and tribulation".

He further says, "the work of erasing the traces of misgovernment which had lasted through Centureis was begun during Maharaja Ranbirsingh's time and considerably furthered by his successor Maharaja Pratapsingh.

"Thank Heavens," gratefully gasps Pandit Anand Kaul 'Kashmir was not doomed to be perpetually enveloped in darkness. A new era, brighter than ever, has happily dawned on it and it is gradually emerging from dim haze into bright light."

About Maharaja Harisingh the same author goes on "during a period of less than 6 years he has effectively transformed the life of the people, and overhauled the administration. It has been his great task to regain for his State many of its lost powers and help forward a campaign of progress, which though begun under Maharaja Ranbirsingh was systematically pursued only during the four decades of Maharaja Pratapsingh's rule. In less than half a century in all therefore, tremendous strides have been made. Without exaggeration, the sojourner in Kashmir today can find little difference between the State and other area governed under the most modern system of administration. Unremitting efforts have been and are being made to enhance the material well being of the people."

Other books and statements can be quoted in support of this view but it will serve no purpose as it is equally easy to quote some books against it, as is the case with every thing else. A speaker was once explaining the disadvantages of smoking and had brought a

large book in support of his views. One out of the audience produced a larger book containing the advantages of smoking.

In this World of propaganda, some intelligence is needed to know the truth. Dogra rulers were after all human beings and may have erred here or there, but on the whole, they have set an example of good, honest Government under most trying circumstances which only a few others, if any, had to face, and those few who had to face similar circumstances have not fared better. Being Hindus, it was not possible for them to convince the Muslims of their honesty and fairness, which even Mahatma Gandhi was unable to do and being valourous and patriots they were not used to overlicking the British. Indian secularism believed in sacrificing Hindus for the sake of Muslims. So the Dogra rulers had no chance of being judged fairly here or there. In spite of all this they were popular among their subjects including a large number of muslims in the State and among countrymen in the rest of the country, and that is why people in the State both Hindus and Muslims remember them even now with reverence. They never claimed immunity from criticism, but sweeping remarks like "not the least of his idle pleasure was his persecution of the Muslims, and to his underlings he gave his blessings for their slaughter" as made by Josef Korbel are highly unwarranted and only reflect the highly hostile mentality of the writer who has even out-Abdullahed Abdullah in his anti-Maharaja bias.

It will be of interest here to know what the two leaders, Mirza Afzal Beg, then leader of National Conference group in the State. Assembly and now Chief of the Plebiscite Front and Ch. Hamid Ullah then leader of the Muslim Conference group in the same Assembly and later the President of the Pakistan occupied part of Kashmir had to say before the State Legislative Assembly about the Maharaja's rule as late as 2nd Oct. 1944. This should be sufficient also to set at rest all loose talk by interested parties of there being any kind of rebellion in the State against the Maharaja's rule, at least until then. Here is what Mirza Afzal Beg, said, on behalf of the National Conference, "His Highness' Command has come at a time when no body would deny that any constitutional progress would not have been insisted upon and any body invested with power to confer constitutional reforms would easily have deferred them if he wished. That is the state of affairs prevailing in British India and in the world at large. Therefore, if one would have liked

to take advantage of that state of affairs, in order not to confer such constitutional reforms, no better opportunity could have arisen than the present one. When we see that in spite of being able to put off any progress till some time in future, His Highness has come forward and conferred reforms on the people of this country, we feel sure of the intention which underlies the Command and of the unerring instinct for constitutional Government that His Highness the Maharaja Bahadur possesses. I, therefore, do not read the Command in terms of the Command itself, but I judge the Command by the spirit that underlies it and I do beg to express my congratulations to our Ruler on that instinct and that sentiment which has prompted His Highness to issue this royal command*, at this juncture. I feel that the present one is a real concrete step forward, to the people of this country. Opinions may differ as to how far we can influence the policy of the Government now through these reforms. Opinions may differ as to how far forward this Command can take the country, but opinions, must be and surely are unanimous that this is really a step forward, and judging from the spirit underlying this step, we do hope that this will be only a first step, in the progressive career of the country lead by His Highness the Maharaja Bahadur". Chaudhary Hamid Ullah Khan, speaking on behalf of the Muslim Conference group observed :—

"I on behalf of myself and on behalf of the Muslim Conference party in the House, rise to express our deep sentiment of gratitude to our beloved Ruler, one of the most enlightened Princes as he has proved himself to be, beyond any shadow of doubt, when he himself expressed that freedom was his watchword, freedom from crippling restrictions and freedom from strangling control, to day we have beyond any doubt another opportunity to realise that our beloved Ruler, who has always been conscious of the feeling of the people of the State that they want to be associated in the administration of His Highness the Maharaja Bahadur and that they want to be very near the person of their beloved Ruler, has given them opportunity to be so. Our beloved Ruler by taking this definite progressive step, of which any Indian State may well feel proud has given the representatives of this House an opportunity of participating in his administration and thereby he has graciously bestowed a great honour to all the other members of the house. I have to say that

* pertaining to the including of two popular Ministers in His Highness' Cabinet.

the constitutional policy of the All J & K Muslim Conference has always been demand for the establishment of full responsible Government in the State. We have demanded nothing short of that as we consider it to be the birthright of the people of the State. I have the greatest pleasure in realising that His Highness the Maharaja Bahadur has complied to a great extent with the demand of All J & K Muslim Conference by this great constitutional step, which provides an opportunity to two members of the House to associate themselves with his administration”.

Dr. Korbel further states (P 15) “for minor offences people were thrown in Jail “often” without trial. As late as 1920, it was a capital offence for a Muslim to kill a cow; later the penalty was reduced to ten years”.

Throwing people in Jail, “often” without trial”, was something which could happen only where there was neither law nor law courts, but this was not the case in the State. The appointment of the Chief Justice of the State High Court had almost always been held by eminent Jurists from British India, and besides the State High Court which enjoyed the status of other High Courts in British India particularly after the grant of letters patent in 1943, a Board of Judicial advisers consisting of most eminent Jurists like the Hon’ble Ch. Niamat Ullah as President and Hon’ble S.K. Bose and the Hon’ble Dr. P.K. Sen as Members, functioned in the State as the Final Appellate Court over the State High Court.

There was no special punishment for Muslims for killing cow, as made out, it was the same for all including Muslims, Christians and Hindus. Hindus do not kill cows but quite a few of them belonging to inferior classes have been found abetting the offence for money, which carries the same penalty as killing. The author of “Danger in Kashmir” would be shocked to know that none of the successive three people’s Governments of the State, each headed by a Muslim Prime Minister, who though have changed the entire structure of the State, including the monarchy, and inspite of having Muslim majority in the State Legislature, has made any effort to abolish the penalty for cow killing. The impression that Muslims cannot live without cow killing is entirely baseless. Some Muslim Emperors of India had prohibited cow killing for various reasons.

Further on Josef Korbel has tried to prove the utter backwardness of the State by quoting some figures based on census of 1941

and some figures of expenditure for the year 1939. He says (p 16) "little was done by the Dogra ruler for the health and welfare of the people. According to 1941 Census 93.4 percent of the population was illiterate. In 1939 there was one boy's primary school for every 66 sq. miles and for every 3850 people and one girl's school for every 467 sq. miles and 25670 persons. One State College existed in the Whole Country. About 60 percent of the peasants had holdings of about 16 kanals (2 acres) each. Their net annual income was 74-8-0 rupees (about \$ 17) per family and 10-10-3 rupees about (\$ 2.50) per head. The rest of the peasant was landless. As late as 1944-45 the per capita income was only 11 rupees (about \$ 3.00). Out of this sum people had to pay taxes of around 21 cents per head. Although the Maharaja's court spent four million rupees, and five millions rupees went to the Army. Only 3.6 Million rupees were spent on public health, agriculture, industries, roads, irrigation and education".

There are two things about these figures which one would have liked to know :

- (a) why were the figures for 1939 selected for the purpose when latest figures of the Maharaja's rule were available ? and
- (b) why was it not necessary in order to give a truer picture to make a comparison with similar figures of some other similar States ?

A comparison would probably have shown that the position of this State in the country was better than many other States.

Even his figures are misleading. The area of the State was 84,471 sq. miles and according to his own figures there was one primary school per 66 sq. miles in 1939. Which means 1280 schools, the population of the State according to 1941 Census was 40,21,616 and in 1939 reducing the officially recognised increase of 1% per year, for two years comes to about 39,40,000 in 1939, which means one primary school for 3070 people, and if the 400 Government aided private schools, Pathshalas, Maktabas, and other indigenous institutions then existing are taken into account it comes to one primary school for 2525 people against 3850 people quoted by him.

As a matter of fact primary education had been made compulsory for boys within the Municipal towns and Muslim children were the most benefitted by it.

The State, mostly a hilly country, had very little cultivable land, land holdings were naturally small. Some peasant population was no doubt landless too, and every thing possible had been gradually done for their benefit. But the most interesting revelation made in these figures comes at the end of the paragraph quoted above. According to this although the Maharaja's court spent four million rupees and five million went to the army, only 3.6 million rupees were spent on public health agriculture, industries, roads, irrigation and education. All this adds up to 12.6 million which accounts for only half of the annual revenue of the State at the time. What happened to the other half has not been explained. Official figures reveal that 2.1 millions were spent on education alone in 1939 and 3.68 millions in 1945. Similarly one million was spent on medical aid in 1939 and 1.6 million in 1945. The revenue of the State increased from 23.5 million in 1926 to 24.3 Million in 1939 and 55.7 millions in 1945.

Much of what his book contains in the Chapter "The Forgotten Nation" has already been dealt with in the previous pages of this book. His next Chapter "The Real Issue" contains the different points of view of Muslim League and Congress leaders very ably presented by him but without letting the readers have the privilege of his personal views.

Another Chapter "The Struggle begins" can to a large extent be skipped over for its contents being either outside the scope of this book or for having been dealt with in previous Chapters, the only thing that deserves comments here is his reference to the Maharaja with regard to the Accession, in the following extremely provocative words :—

"Through all the mists of uncertainty that shrouded the negotiations concerning the future of Kashmir one fact alone is clear. This is the irresponsible behaviour of the Maharaja. It was this that brought his Nation uncommitted, his peoples wishes unascertained, past the fatal day of partition, August 15, 1947. It was his stubbornness, his coy manoeuvring, including his 'attacks of collic' that brought upon his people unparalleled sufferings and pain. In this respect at least he was a worthy son of the Dogras".

Kashmir's accession has been a subject of world wide comment and every one has a right to express his views on it as he likes but to attribute the Maharaja's action or inaction to the "Dogras" as

have given to the Maharaja. So far as the author is concerned he was told by the Maharaja himself that Mountbatten advised him to join Pakistan.

Allan Campbell Johnson in his "Mission with Mountbatten" says (page 120) Mountbatten on these occasions urged him and his Prime Minister Pandit Kak not to make any declaration of Independence but to find out in one way or another the will of the people of Kashmir as soon as possible, and to announce their intention by 14th August to send representatives accordingly to one Constituent Assembly or the other. He told them that the newly created State Department was prepared to give an assurance that if Kashmir went to Pakistan this would not be regarded as an unfriendly act by the Government of India".

From the emphasis laid by him on the Indian assurance of no objection, if the State went to Pak and the lack of any mention of a similar assurance on the part of Pakistan if the State went to India, it is not difficult to understand, what advice Mountbatten must have proffered to the Maharaja. Then his insistence on ascertaining the will of the people only in the case of Kashmir before deciding which way to accede, against the policy laid down in the Indian Independence Act, in the hope that although the Muslims of Kashmir had always been favourable inclined towards India, they might be carried away by the communal instinct (like the Muslims of the North Western Frontier Province, at the time of partition), and might after all decide to join Pakistan, was of a piece with the line adopted by him.

This impossible condition, of ascertaining the will of the people which has baffled India, Pakistan, and the United Nations, for the last twenty five years was not easy for the Maharaja to fulfil, before Accession. Would Pakistan or even Mountbatten have accepted the verdict of the people obtained by the Maharaja by the best means at his disposal? Has the ratification of Maharaja's Accession by the State Constituent Assembly which was independent enough even to decide about the ruling family been universally accepted? What means of ascertaining the people's will were open to the Maharaja in the face of the attitude of Sheikh Abdullah and his party "Independence first and India and Pakistan afterwards"?

It is, therefore, extremely unfair to blame Maharaja for the delay in coming to a decision. He was always too willing to accede to India under the undisputed right granted to rulers but was

prevented from doing so by the impracticable condition of ascertaining the will of the people laid down by the Indian Government. He has made no secret in his letter to Mountbatten of the fact that the decision to accede was quickened by the invasion from Pakistan.

It also appears from the Maharaja's letter that he was also considering "whether it is not in the interests of both the Dominions and of my State to stand Independent". The events that followed have proved that this probably would have been one of the most acceptable solutions, and would also have been in accordance with the then undisclosed and later disclosed wishes of Sheikh Abdullah the leader of the people in the valley.

This solution is even now being secretly proposed and considered in international political circles, twenty five years after reference of the case to the United Nations. Who knows? with the lack of firmness on the part of India on their own stand, the ever increasing pressure of the big powers, and the policy of lionizing Sheikh Abdullah who still talks of 'Quantum of autonomy', it might emerge as the final solution of the problem in one form or the other.

Dr. Josef Korbel has expressed his inability to understand Mountbatten's decision to insist on accession as a pre-condition to the despatch of the troops. He says, "As impartial and as correct as was Mountbatten's attitude towards the problem of the accession of the princely States during his Viceroyalty, his attitude and advice in this case inevitably raises critical questions : Why, for example, did he (Mountbatten) advise that Indian military assistance to the Maharaja must be covered by the legal technicality of accession? How could he have reasoned that it would be illegal for Kashmir (which was at the time of invasion technically an independent country) to ask for military help from India without preceding the request by accession? He must have assumed that Pakistan Government would refuse in any case to recognise the legality of such accession brought about without prior determination of the will of the Kashmir people. He must have known that if war over this issue were to develop between these two dominions it would be not on the basis of the legality of such a method of accession, but rather over the fact itself. Why was there at this point no appeal made to the United Nations from either the technically independent Government of Kashmir or from Delhi? The record reveals no hint that such a possibility was even

mentioned. But, finally it is most difficult to understand why no one, particularly Mountbatten, advanced the most obvious idea, that of immediately getting into contact with the Karachi Government for consultations”.

The questions arise only in the minds of those who want to stretch Mountbatten's decision to prove partiality towards India. For others his decision is easy to understand. Mountbatten fully knew that if Pakistan needed no legal cover for its invasion of a “technically Independent State”, India needed none at all to send its troops at the request of the ruler of that State. He also knew that Pakistan was not likely to show any regard for international or constitutional law. That is why he was in search of some irremovable hitch, to prevent the move of Indian troops into the State, even at the request of its ruler. He came forward with the objection that the State had not acceded to India so the troops could not be sent. When that was suitably met with and finding that even otherwise the Government of India was bent upon sending their troops. All he could do was to nullify the validity of the accession when it came, by laying down conditions for its acceptance, against the procedure laid down in the Indian Independence Act 1947.

Dr. Korbél wonders why was no appeal made to the United Nations and why Karachi Government was not immediately contacted for consultations. He does not seem to have realised that all that the so called raiders could have asked for on the 26th of Oct. when the accession was signed was a delay of a couple of days more. While Mountbatten seems to have tried his best to oblige them, the Indian Government could ill-afford to adopt a course which would have made the immediate occupation of the whole of the State by Pakistan certain.

Dr. Korbél's book further deals with the events that happened after the Maharaja's exile from the State, and although much can be said for and against the views contained therein, it is not intended here to offer any comments on them as they are outside the scope of this book. His exposition of the Security Council's handling or mishandling the problem of the J & K State is, however, so interesting, that, it is difficult to withhold comments on it. It looks as if he was not sure whether to defend or criticise it. He, therefore, did both. Commenting on the Security Council's resolution dated April 21, 1948, he says :

“The main purpose of the resolution was to stop fighting and to establish conditions in the State, which would allow the population to express freely, without threat of physical or psychological coercion, their desire either to accede to India or Pakistan. Acting under Chapter VI of the United Nations Charter, the Security Council did not direct the parties in dispute what to do but only passed a recommendation. This bound the parties only morally—not juridicially. The Commission’s role, therefore, was one of mediation without any right to impose its will. It was thus limited in its activities, allowed to make contact with the Indian and Pakistan authorities and make recommendations carrying the weight only of the persuasiveness of its arguments and its political prestige. The final issue remained with the Government of India and Pakistan and depended on their goodwill”.

This means that the United Nations Organisation to which complaint was lodged by India against aggression committed by Pakistan, instead of deciding the issue referred to them took upon themselves the role of mediation without trying to find out whether the complaint itself was juridicially valid. Dr. Josef Korbel goes on :

“Furthermore, the Security Council avoided taking sides in the dispute. It did not, as India requested, condemn Pakistan as aggressor, nor on the other hand did it touch upon the legal aspect of Kashmir’s accession to India”. Giving the impression that while the Security Council did not do something which went in India’s favour, it did not on the other hand touch upon something else which favoured Pakistan. Little realising that in both the cases the Security Council’s inertness has amounted to partiality towards Pakistan, as naming Pakistan as aggressor and touching upon the legal aspect of the State’s accession to India were almost one and the same thing. Dr. Korbel continues :—

“As a matter of fact, the Security Council avoided any consideration of the Juridicial aspect of the Accession a perfectly plausible procedure under Article 96 of the Charter, according to which the Security Council ‘May request the International Court of Justice to give an advisory opinion on any legal question’. It would seem to be obvious that the handling of the dispute would have been easier had the International Court been asked to declare itself on the subject. One of the parties would then have been wrong, and the

Security Council would in turn have had a stronger moral and political position for the recommendation of the appropriate measures. The fact that neither India nor Pakistan asked for such a juridicial finding would also indicate their mutual uncertainty about the validity of the accession. If the question was studied informally by the members of the Security Council, their policy not to ask the court for such a decision could be interpreted only as a failure on the part of some members to understand the complexity and seriousness of the Kashmir problem. They probably felt that a fair, impartial and rather mild resolution recommending to India and Pakistan certain measures and carrying the political and moral prestige of the United Nations would be sufficient to bring about a quick and peaceful solution of the dispute".

If India had been uncertain about the validity of the Accession, she would not have requested the Security Council to condemn Pakistan as aggressor, as this could only be done on the basis of legal validity of accession of the State to India, no other request from India for a juridicial finding either by the International Court or the Security Council itself was called for. Moreover nothing prevented the Security Council from asking the International Court for a juridicial finding, nor did anything prevent it from considering the juridicial aspect of the accession itself. It could have simultaneously taken up whether by invading the State as she did, Pakistan had violated the international law.

If all cases of violation of international law and those requiring juridicial finding are to be referred to the International Court then the United Nations Organisation and its Security Council can at once be dispensed with as they are never likely to receive any complaint which is not against violation of international or some sort of law.

Dr. Korbel further says, "There is, perhaps, one other explanation. The Security Council is a political body. It may have felt that diplomacy and mediation might provide adequate means for settling the conflict, whereas a juridicial verdict would have put one of the parties in dispute in the light of being wrong, with the quite possible result, that that party would turn politically against the United Nations or the sponsor of such a procedure. There was, however, no guarantee that the parties would accept and respect the

pronouncement of the International Court, but at least the rest of the World would clearly know which stand to take in the dispute”.

Here at last Dr. Korbelt seems to have hit upon the right diagnosis, that the Security Council hesitated to do the right thing for fear of losing either its guilty member or those members who sponsor the right course. If this is how the Security Council is going to preserve its membership, God save the United Nations.

Dr. Korbelt continues : “Another question also possesses itself in regard to the Security Council’s actions. Why did it not act according to Chapter VII of the Charter, which deals with threats of war ?”

“Whereas provisions of Chapter VI of the Charter limit the Security Council to acts of negotiation, mediation, conciliation and arbitration, Chapter VII entrusts the Security Council with the right to enforce its decisions and impose on all members of the United Nations the obligations to abide by these decisions.”

Once again it would seem that the Security Council avoided consideration of the Kashmir Problem under the provisions of Chapter VII because the parties themselves invoked Chapter VI in their requests and the Security Council itself failed to recognise the full gravity of the situation.

“Another reason for the Council’s overcautious treatment of the Kashmir conflict might have been its pre-occupation with other explosive situations—in Palestine, Indonesia, and Czechoslovakia”.

The reason why the Security Council did not act according to Chapter VII is not far to seek. It was obvious that some of the big powers which dominated the Security Council, were not interested in the solution of this problem as long as Pakistan was gaining ground (as she did for some time in the beginning), but as soon as the trend changed and the Indian Army began to push out the invaders from position after position and finally put the Pakistan army to rout along the whole front, a ceasefire was brought about with all the sincerity and influence at the Security Council’s Command, at the request, of course, of the British Commander-in-Chief of India.

Dr. Korbel then expressed his disappointment at the Security Council's approach to the Kashmir problem, though not without maintaining his usual dichotomy, in the following words :

"Nevertheless, one must be somewhat critical of the Security Council's procedure. It is true that it handled the Kashmir problem impartially, that its recommendations were just and fair to both parties, that it approached with the skill of experienced diplomacy. But it did not handle the situation adequately. Its approach was timid. Its evaluation of the situation in Kashmir was far from realistic, as was shown only a few weeks later. The prolongation of the debate, the endless wrangling of the parties, the adjournment of the deliberations, the one month intervals in the debates were unnecessary. With every day that passed, the tensions and political cleavages in Kashmir grew, and as they grew the Plebiscite which was finally to decide the fate of the country became increasingly difficult."

An attempt will now be made to discuss the contents of Lord Birdwood's "Two Nations and Kashmir" as far as they relate to the subject of this book. As the contents of this book and Dr. Korbel's "Danger in Kashmir" are identical in many respects, all the comments offered in the case of "Danger in Kashmir" almost equally apply to it. It can, however, be said in general that while Dr. Korbel has at least made a show of impartiality in his description of events and expression of his views, Lord Birdwood has not been able to conceal his partiality to Pakistan. He has harped extensively on the imaginary rebellion of Muslims in Poonch against the Maharaja's so called oppressive rule and has accredited one Abdul Qayum, a young Zamindar, for having started the revolt with a few friends. No one in the State or in India, however, knew of any such revolt, until in September 1947, in anticipation of the October Invasion, armed Pakistanis started infiltrating across the border into Poonch and large scale smuggling of arms from Pakistan began, about which, the Maharaja's Government telegraphically protested to Pakistan and had even offered to have impartial inquiry made into the whole affair. But to Pakistan no inquiry held under arrangements made by the Kashmir Government could be impartial. The State Government had even informed the Pakistan Government that "If unfortunately, this request is not heeded the Government, much against its wishes, will have no option but to ask for assistance

to withstand the aggressive and unfriendly actions of the Pakistan people along our border”.

It is significant that there were no signs of the so called armed rebellion anywhere in the State except on the State borders with Pakistan, and that too only a few days before, and as part of, the invasion. The happenings were just a natural reaction to the advent of Pakistan, and if these were to be termed as rebellion against the oppressive rule, then this rebellion was taking place all over the sub-continent.

Lord Birdwood then says (page 56) : “The dispositions of the State Forces had been previously decided by the Maharaja himself, Brigadier Scott’s advice being ignored. He proceeded to scatter them around the Kashmir-Pakistan frontier in small pockets, thereby precluding all hope of their use as a concentrated, mobile force, to strike effectively at an enemy invasion”.

Nothing could be further from truth. It can be proved from record that the disposition of troops had been decided by General Scott himself (who should have resigned if he was so badly ignored). The Maharaja had complete faith in him until a few days before the invasion when he, along with Mr. Powell, the Inspector General of Police, showed signs of discomfort at the State’s inability to accede to Pakistan, and then resigned.

He contradicted his own statement by quoting the disposition of the State Forces at the time, which does not indicate scattering in small pockets, and is reproduced below :—

“In September the scattered State Forces were as follows :—

4th BN Muzaffarabad District, Coys. at Kohala, Teethwal, Muzaffarabad.

5th BN at Leh,

6th BN in North Area (Gilgit),

7th BN at Poonch city (this BN had been disbanded probably he meant 8th BN).

9th BN on Poonch-Pakistan Border,

2nd, 3rd rifles Mirpur District,

Remainder (1st BN and Body Guard Cavalry) in Srinagar and Jammu.”

Such “scattering” of troops in pockets of a Company or so each, however, could not be helped. Pakistan had started trouble in anticipation of their invasion all along the six hundred miles of its border with the State. Hindu houses were being looted and burnt, and their women abducted. Troops had to be sent everywhere. The question of reserving them for “use as a concentrated mobile force to strike effectively at an enemy invasion”, did not even otherwise arise as their supplies of ammunition which always came from Rawalpindi arsenal had been completely stopped by Pakistan and India had not agreed to supply anything.

There were only three mixed Battallions with fifty percent Muslims. Their dispositions were so arranged by General Scott as to facilitate Pakistan’s designs. The 4th BN was at Muzaffarabad with its Muslim companies guarding the flank, from which the attack was to come. 6th BN was at Gilgit, and 2nd BN was on the Mirpur Border where its Muslim Companies slaughtered their Gurkha comrades in sleep, collected their arms, and crossed over to Pakistan.

Capt. Ahsan Ali (from Gilgit) of the J & K Artillery was offered promotion to Major and transferred to Gilgit Scouts well before they were to administer their coup under their British Commanders and arrest the first Governor of Gilgit Brigadier Ghansara Singh who had replaced the British Political Agent.

Lord Birdwood further states (page 60) : “Of academic interest for the soldier is the fact that had there been one Muslim Company of well trained troops in position on the aerodrome at the time (when the first Indian troops landed), the Indian troops could probably have been picked off by automatic fire as they jumped out of their planes, and the success of the Indian air borne operation might have been in jeopardy”.

If he had stretched his hypothesis little further, he could have enhanced this “academic” interest by saying that had some Pakistani fifth columnists in India sabotaged the planes which carried Indian troops to Srinagar, they would not have been able to fly at all. He seems to be ignorant of the fact that when Indian troops landed at Srinagar the nearest raider was twentyfive miles away from the city

and thirtytwo miles from the aerodrome. The position was as follows :

When after overcoming the heroic resistance, offered by Brig. Rajinder Singh and his small band of gallant men of the State Force near Garhi for three valuable days, the raiders entered Baramulla there was nothing between them and Srinagar. All that the State Forces could do was to send a composite force equivalent of a Company formed of NCO's and other ranks attending a course, under Capt. Jawala Singh to intercept the raiders. These troops took up a position beyond Pattan. Luckily for them the tribesmen or whoever they were, were interested more in looting and plundering the towns, abducting and raping the women, and despatching truckloads of booty to the rear than their advance on Srinagar and, they appeared in front of the waiting State troops beyond Pattan only a little before the first Coy of the Indian troops joined them there.

The author happened to be at the aerodrome when the first Indian troops landed. Buses had been kept waiting at the aerodrome to avoid delay in moving them to the front., Lt. Col. Rai commanding the Indian troops, issued orders for one Coy to stay at and defend the aerodrome, and the other to move with him to the front. Considering that Colonel Rai was not in picture, the author suggested to him to move both his Coys to the front as the enemy was advancing in great strength and that the aerodrome was safe until the arrival of more troops, but he ignored the suggestion. On joining the last State troops at Pattan he, however, realised how correct I was, and immediately called the other Coy to the front leaving the aerodrome unprotected. Later, he was killed while withdrawing to Shaltang on the outskirts of Srinagar where a big battle was fought. Another battle was much later fought at Badgaum in the aerodrome area, when some more troops and some armoured cars had also arrived by road, which marked the beginning of the raiders' retreat and destruction.

If the situation at the aerodrome had been as grave as supposed by Lord Birdwood even for academic interest, the Indian troops would surely not have obliged the "Muslim Coy" by landing as they did.

Lord Birdwood goes on to say, "It was pointed out that on 23rd and 24th Oct. Muslim Conference leaders such as Ghulam Abbas

between him and the 'new Muslim Conference leaders. Ibrahim surrendered the leadership to the former leader, Abbas accepting it with a similar gesture of appropriate reluctance. The exchange was not a success, and an arrangement was worked out by which throughout 1948, Abbas resumed the titular head of the Muslim Conference, Ibrahim remaining the administrative head of the Govt. of "Azad Kashmir".

The story springs surprise after surprise not only for the man in the street, but also for Ibrahim himself. Was the Muslim Conference so short of leaders that by the arrest of just one Ghulam Abbas a vacuum was caused, or does it imply that everybody who took his place was arrested. In that case how was it that Ibrahim alone was allowed to enjoy the leadership untouched? or did he assume the leadership in the same hotel at Rawalpindi in which he later had the pleasure of deposing the Maharaja? Did the local Congress leaders in Junagarh whom Ibrahim decided to imitate, also not have the courage to stay in the State and reveal their identity? Was the "President" nominated at Muzaffarabad where a "provisional Government was to be set up immediately" or at Rawalpindi? Is it not surprising that the "President" who set out to arrest the Maharaja, and who would have helped Sheikh Abdullah's cause by doing so, was arrested by Sheikh Abdullah himself. No mention has been made of other ministers. It appears that after assuming the presidentship and the Prime Ministership himself Ibrahim assumed the ministerships as well. So he was the "President", "Prime Minister", the Cabinet of ministers and probably the "people" himself. With the invasion, however, Pakistan did put him up as head of the so called provisional Government of the State territory occupied by Pakistan, and made an announcement accordingly. Why not confess the truth, that whatever intensity of the storm in the tea cup in a hotel at Rawalpindi, no such thing as setting up of a provisional government by Ibrahim or anybody else ever happened inside the State, whether before or after the invasion.

There is nothing unusual about Pakistan Radio making false announcements. They live on them, but for a responsible and respectable person to endorse these lies, as many people in the West have done, rather smacks of open pro-Pakistan bias.

CHAPTER X

ABDULLAH'S SOMERSAULT

There is a limit to which one can deceive others. Though a staunch communalist, Sheikh Abdullah was never in favour of joining Pakistan and losing his identity. All he wanted was to carve another little Pakistan for himself at the expense of India. He made a show of his firm belief in secularism, but failed to put it in practice. His approach to all problems was communal. While he had no objection to receiving huge sums of money from India as aid, his belief in secularism did not allow him to agree to the application, to his Muslim majority State, of the secular-democratic Constitution of India, simply because Hindus were in a majority there, not even the fundamental rights guaranteed therein. And to ensure that no laws made by the Indian Parliament applied to the State, a special status was obtained for Kashmir under Act 370 of the Indian Constitution.

Not only that, the Hindu refugees from the part of the valley occupied by Pakistan were not permitted to settle anywhere in the State. These people spent a few years of their miserable life outside the State, and were finally settled in Jammu but not in Kashmir where they loved to settle. The number of Hindus in Government services was rapidly reduced and that of Muslims increased to bring their proportion upto the communal proportion of population. Almost all the money that came from India was utilized in the development of the valley and very little was spent in Jammu. The Maharaja who could have provided a check on Sheikh Abdullah's communal intentions was removed. The Udhampur District of Jammu Province was broken up into two to carve out a new Doda District with a Muslim majority.

There was no end to other small measures which discriminated against Hindus and all this was done in the name of winning the plebiscite.

Protests from Hindus against all this discriminatory treatment were dubbed as communal propaganda and invited the wrath even

of Pandit Nehru and his Government. The Jammu Praja Parishad, however, launched a strong agitation that shook the administration of Sheikh Abdullah to its roots.

Two Congress members of the Indian Constituent Assembly Dr. Raghuvira and Mr. M.L. Chattopadhyaya paid an official visit to Jammu during this agitation and saw the conditions themselves. The statements they issued created a stir in India. One statement which dealt with the then existing conditions in the State, began with the following para :

“I with other friends visited Jammu on the 12th and 13th February 1949. The feelings of the Jammu people were running high and people from all walks of life—Jammu and Kashmir M.L.A.’s, lawyers, newspapermen, congressmen, teachers, students, ladies, representatives and refugees, came up to us, half in fright, half in anxiety, lest they should be detected and punished for having related to us their tale of woe”.

Then the statement dealt with the oppressive measures taken by Sheikh Abdullah’s Govt. to curb the agitation. The Indian public opinion was roused and there were questions in Parliament. Sheikh Abdullah then realised how difficult it was for him to follow his brand of secularism in the State, in spite of Nehru. He reacted strongly and revealed his true colour. He made a speech at Ranbir-singhpura (Jammu) which has been described by Josef Korbel in the following words :

Sheikh Abdullah also opened his guns against India. To put his position on autonomy beyond doubt, he made a speech in Ranbir-singhpura in Jammu in which he criticized India for communalism and warned against applying the Indian Constitution to Kashmir in all respects. He qualified these attempts as “unrealistic, childish and savouring of lunacy” and added “No one can deny that communal spirit still exists in India. Many Kashmiris are apprehensive as to what will happen to them and their position if for instance something happen to Pandit Nehru.”*

*That something has since happened to Pt. Nehru but nothing has happened to the Kashmiris as they apprehended. They continue to enjoy the favoured peoples treatment.

There was never any time when foreigners did not have their contacts of some sort with Sheikh Abdullah and this new turn of event in bringing about which they did not have a small hand was again fully exploited by them. Mr. Adlai Stevenson (U.S.A.) met Sheikh Abdullah in Srinagar within a few days of this speech and although any interference on his part in the Kashmir affairs was denied by him as usual, Pt. Nehru though naturally extremely cautious, was unable to conceal the fact, when he declared "now a great deal has been said, much has been said about foreign interference in Kashmir. These kinds of charges are often made, and if there is a modicum of truth in them that is greatly exaggerated as expressed it becomes a little difficult to deal with them. In a matter of this kind it is not easy for me to state every fact that may come in our knowledge, before the house, but broadly speaking, I would say in the course of the last few weeks, in the course of last few months and some time more, hard cases of this type of interference have come before us—individual interference. It would not be correct to call it governmental interference but individuals have not behaved properly because again you must remember the basic fact that Kashmir is a highly strategic area".

Sheikh Abdullah was called to Delhi for consultations. After first refusing to go, he finally went. The result was an eight points agreement* between Nehru and Abdullah on 24th July, 1952.

It did not suit Sheikh Abdullah to act upon his own agreement with Nehru and differences arose not only between the Indian Govt. and Sheikh Abdullah but also within his own Cabinet. A majority of the members of his Cabinet expressed their lack of confidence in him, in a Memorandum they submitted to the Sadar-i-Riyasat who called him for a meeting and later dismissed and arrested him when, instead of attending the meeting, he proceeded to Gulmarg.

Thus the person, who manipulated the removal of the Maharaja, himself met the same fate, but with a difference. While the Privy Purse and other privileges of the Maharaja had been curtailed those of Sheikh Abdullah were enhanced and he was treated like a State guest. He was freed, rearrested and again freed, and had a lot of opportunities to express himself, which he made full use of. He

*Agreement reproduced in Appendix VI.

backed out of all his previous commitments* and made anti-national and unpatriotic speeches.** But the Maharaja suffered, without opening his lips, even when the Nizam of Hyderabad who waged war with India received the most favoured persons treatment. A patriot is a patriot after all.

If Maharaja Gulabsingh consolidated several small principalities into one State and extended its boundaries to Tibet, Maharaja Harisingh made it an integral part of India by acceding to her in spite of pressures to the contrary. It was for India now to take care of it. The machinations of the Western Powers who look upon everything from the point of view of their national interest, have to be guarded against. There was nothing wrong with the Muslim majority State of Jammu and Kashmir acceding to India which has a Hindu majority. Apart from it being in accordance with every word of the Cabinet Mission plan and the Indian Independence Act 1947 it is in the best interests of the people of the State themselves, whether Hindus or Muslims. The Secular Democratic Constitution of India guarantees equality of treatment with every one regardless of community, caste, creed or sex and the Independent Supreme Court is there to uphold the constitution. If five crores of Muslims could live in India, as happily as possible, there is no reason why a few lakhs more could not live equally happily. What guarantee is there, in Pakistan of better treatment with Kashmir Muslims. Are the Muslims of occupied Kashmir, North West Frontier or Baluchistan better off in anyway ? The atrocities committed by the Muslim rulers of Pakistan on the Muslims of former East Pakistan are already well known, and the plight of Muslims of the other wing can be judged from the following press reports dated 7 August, 1968.

“Pak planes Bomb Pakhtoon villages-Pakistan aircraft have bombed three villages in the Bugti-Bara region of the Southern occupied Pakistan, inflicting heavy losses in life and property on the inhabitants there” said Kabul Radio, last night, quoting reports from the area.

*See Appendix VII.

**Sheikh Abdullah has now been released. He has talked of India's double standard in Bangla Desh and Kashmir, conveniently forgetting that at both these places, the Government of India have adopted just one standard, that of supporting the duly elected Governments.

KASHMIR

Boundary of Kashmir State —————

Provincial boundaries - - - - -

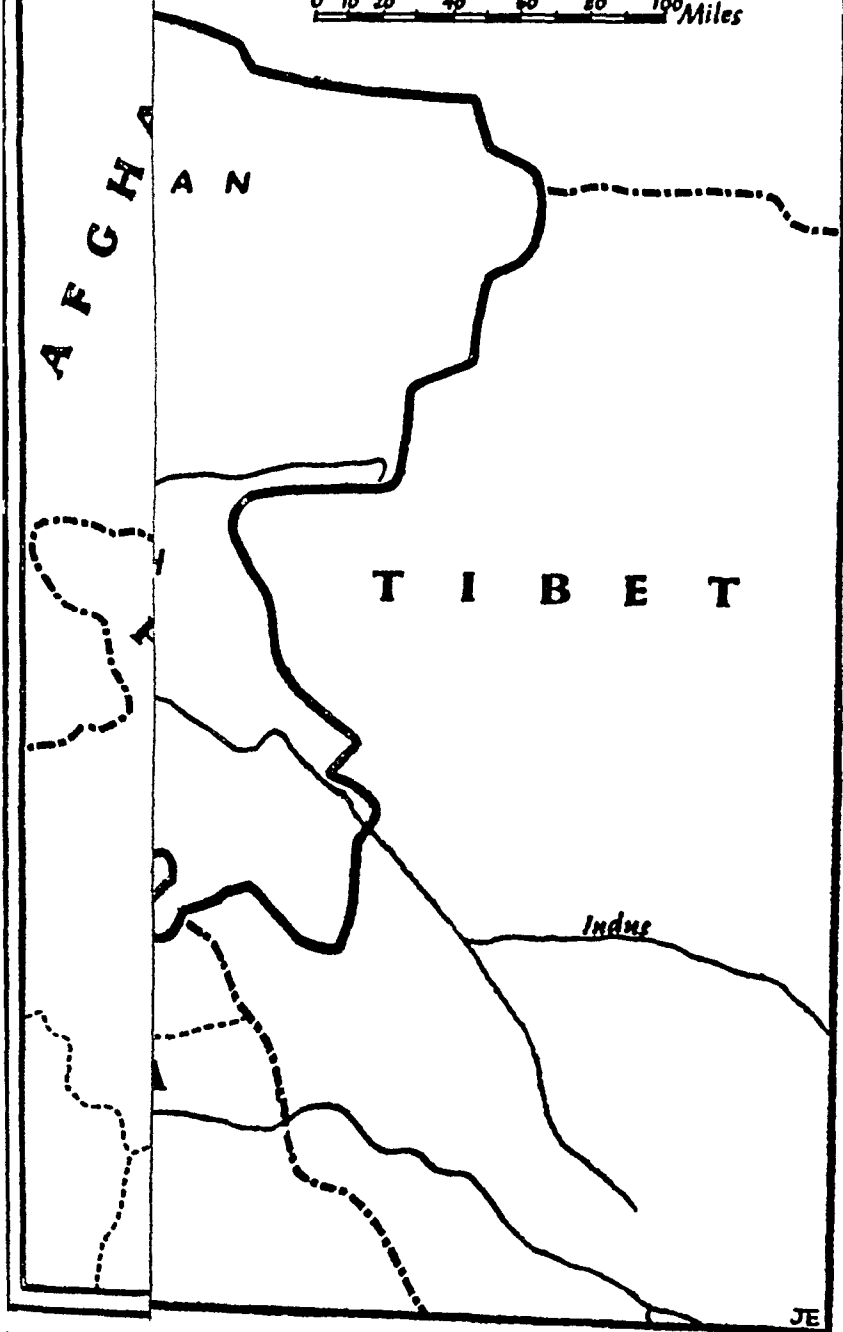
International frontiers - - - - -

Cease fire line x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x

Railways —————

Note— The pre-partition boundary of the Gurdaspur District is indicated.

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"The bombing which took place during the last three days, came in the wake of intensification of the "freedom struggle" by Baluchistan nationalists, the report said. Five hundred "freedom fighters" of Baluchistan were said to have been arrested by the Pakistan authorities recently, according to Kabul Radio".

This is not the first time that this has happened. It is the normal treatment there, but what is notable is that while a mild lathi charge in Srinagar, or anywhere in India on some violent agitators if they happen to be Muslims, invokes highly critical commentaries in the western press, bombing of Muslims by the Government of Pakistan is for them not worthy of taking any notice of.

This attitude of the Western Press which is not different from that of their Governments is indicative of what India can expect from International forums dominated by big powers. The United Nations Organisation is just a play ground of big powers where small or weak nations have no chance of scoring.

Even outside the international bodies these big powers try to maintain their stronghold on the developing countries, whether big or small, and exercise immense political control over them, by offering huge loans, called by the high sounding name of aid. This "aid" is never without strings attached, though the recipients are not free to say so. The independence of the recipient countries is thus put in jeopardy.

Independence is a great boon. It was won after a hard struggle and by making great sacrifices, and has to be maintained by making still greater sacrifices. But the Indian Nation has not been called upon to make even temporarily the essential sacrifice of observing austerity for maintaining independence. The Nation is used to making sacrifices and no sacrifice is too great for them to make. They only have to see, what is turning their independence into dependence. Political and national independence is impossible to maintain without economic independence. Belts have to be tightened for a few years after independence and strict austerity observed to get rid of the economic domination by foreign countries, While our stomachs have

probably shrunk without tightening of belts on account of food shortage and high prices for several years, we have not resorted to austerity at all; instead we are trying to make our lives as luxurious as possible. This has resulted in our economic and then political dependence, and in spite of our tall claims to the contrary we have not been able to adopt an independent foreign policy and are sometimes forced to accept some interference of one or the other great power in our internal affairs, of which Kashmir is just one instance.

Why should we allow the big powers to impose on us a decision which is unjust by any canons of justice, and international and constitutional law. The fact of invasion of the State has been side tracked by them and other irrelevant matters introduced.

When other Nations, guilty of violation of international law and the United Nations Charter, like South Africa in the case of apartheid, Pakistan in the case of invasion of Kashmir, Rhodesia's illegal Smith Regime in the case of declaration of independence and imposition of a minority government over the majority and Israel in the case of return of occupied Arab territory are showing scant regard for the United Nations; India whose case is hundred percent legally sound has nothing to fear from such international forums.

India will have to depend on her own strength. The policy of non-alignment is praiseworthy but it can be followed only by the politically and economically independent and the strong. The policy of appeasement whether in relation to neighbouring countries or in respect of own people does not pay in the end. It is a sign of weakness and lands one in more and more trouble.

There was a time when due to our policy of appeasement towards Pakistan, not only Pakistan but many other countries doubted our ability to stand an attack from her. Many Indians themselves held the same view. But thanks to Mr. Lal Bahadur Shastri and the brave Indian Army, that impression has gone for ever. The short and swift Indo-Pak war of 1965 was an exhibition of gallantry on the part of the Indian Army, the bulk of which was tied to the Chinese border and the 14 days war of 1971 was more so. Hundreds of officers and thousands of jawans laid down their lives to defend their motherland and to teach the invader a lesson. Pakistan is not likely to attack India again, though she will continue to talk about

it in order to divert the attention of her people from their sad plight. But if they commit the folly again the Indian Army is fully capable of dealing with them well and proper. It is no use repeating the offer of a no war pact with Pakistan and having it rejected by them, as if they are a superior power. It should be sufficient to declare our willingness to consider it if and when Pakistan feels inclined to make an offer of signing a No-War Pact with us. There should, however, be no complacency in the matter. Pakistan's active collaboration with China cannot be completely ruled out. The Army has not only to be equipped with the most sophisticated weapons but has also to be well looked after. They are under a great continuous strain for years. Since the beginning of the World War II they have not been able to take off their uniforms. They have moved from one field area to another and lived under very hard service conditions without having the much needed relief at some peace stations at reasonable intervals. Their children do not recognise them when they come home and call them uncles as they call other visitors. This is because the army is insufficient to meet the country's requirement. Their number too has to be increased according to the size and needs of the country. It is absurd to talk of avoiding the so called arms race with Pakistan. It is for tiny Pakistan not to enter into arms race with the second largest nation of the world.

Even in their present condition the Indian Army can be fully depended upon to prevent Pakistan from grabbing Kashmir by force. It is for India now to complete the integration of the State with the rest of the country. Statements like "Kashmir is as good a part of India as any other State" only tend to encourage other States to aspire for the special status of Kashmir. The Russians had rightly told Mr. Sanjiva Reddy, the then speaker of the Lok Sabha, during his visit to their country that if India herself had done nothing to complete the integration of the State with her inspite of their whole-hearted support, for the last 20 years, what else could the Russians do. Not only Russians but a great majority of Indians also have that grouse. The uncertainty must be ended once and for all by completely integrating the State without any reservations whatsoever. Art. 370 of the Indian Constitution which enables the State to enjoy to the envy of all other States, a special status, must go. The rest of the Constitution itself is fair enough to safeguard the rights of every Indian be he a Hindu or a Muslim or any

other, and the judiciary is independent and impartial enough to uphold the Constitution. Those who have no faith in them have no business to stay here as is the case in all other countries. A special status smacks of lack of faith in the secular democratic constitution of India on the part of those who ask for it as well as those who grant it. What more do the people of Kashmir Valley want if not equality of treatment with all others in the country? With the complete integration of the State with the rest of the country and full application of the Indian Constitution to it neither the communal majority in India will be in a position to exploit or oppress the communal minority anywhere including Kashmir nor will the communal majority in the State itself be able to oppress or exploit the communal minority within the State. All communal demands for representation in services or anything else, on the basis of percentage of population of different communities are against the Constitution and must be ruthlessly turned down. Merit alone should count. Nationalism which means devotion to or advocacy of national interests or national unity and independence must be encouraged and communalism which means devotion to or advocacy of a system in which religious communities whether majorities or minorities have a large say must be curbed at all costs, including the cost of power. Strangling of political rivals, who are otherwise strictly nationalists, for the sake of sticking to power strikes at the very roots of true nationalism and is harmful to the country in the long run. Democratic and secular principles need in no case be sacrificed for the sake of votes. Similarly, all tendencies towards disintegration must be nipped in the bud. The unity displayed by the nation during the Indo-Pak war of 1965 and 1971 was commendable, but the real test of this unity would have come only if Pakistan had unfortunately gained an upper hand and had advanced a little deep into the Indian territory.

On the complete integration of the State with India depends to a great extent the real integration of the rest of the country. We must not, therefore, hesitate to take the final step in the right direction and must brush aside with determination and readiness to face the consequences, if any, any thing that comes in the way of full and final integration of the State with the rest of the country. If there are some people in the State who are not in favour of complete integration with the country to which the State has rightfully acceded,

our just and fair behaviour towards them, under the secular and democratic Constitution, and a comparison of their condition with the condition of the people in the part of the State occupied by Pakistan will convince them about the advantages of integration with India and end all controversy about integration, or even quantum of autonomy.

Will the Govt. of India rise to the occasion and go ahead with the overdelayed final step ?

CHAPTER XI

ABDULLAH'S PROPER PLACE

If one is sure of the righteousness of his cause he need not be afraid of reactions unless, of course, he is weak. The same applies to countries. Whatever may have been India's position in the past, she has emerged as a country sufficiently strong and independent to look after herself, and her cause in Kashmir is nothing but right. One has, therefore, to look for reasons for Indian Government's hesitation in adopting the only right course, that of integrating the State of Jammu and Kashmir with the rest of India.

Reports are current (for instance, Blitz dated May 6, 1972) that the Government of India have conveyed to Sheikh Abdullah that there was no objection to his contacting the Prime Minister. Even from the other newspapers, their editorials, letters to the editor, etc. it appears that a move is afoot to arrive at a settlement with Sheikh Abdullah. One wonders why when the Sheikh's popularity is at a low pitch, and his wire pullers are on their knees, efforts even on Govt. level are being made to give him back his lost importance.

It appears that inspite of failure of the Sheikh's call for the boycott of the last general elections and the success of Congress (I) the vision of his popularity is still lurking in the mind of some people and the Government. Given the opportunity the Sheikh probably is capable of regaining his lost popularity to some extent but only if he is left free to make his usual communal appeal. Assuming that the Sheikh is not yet a spent force, and that he has, or is capable of having, a reasonable following in Kashmir if allowed to have his way and also assuming that he adopts an anti-centre attitude, complete integration of the State with rest of the country and not special status or greater autonomy is the answer to his challenge. In the case of complete integration the State can at the most be a problem State like West Bengal, Kerala, Tamil Nadu etc. and the Indian Constitution is competent enough to deal with this but the conformance of greater autonomy at a time ripe for discontinuance of even special status will be an invitation to other

States to strive for similar autonomous status, which definitely cannot be in the national interest.

Within the State also, it will set a trend towards its disintegration. The very name Jammu and Kashmir suggests that the State is not a single entity already and the Gajendragadkar Commission has suggested a further addition of Ladakh to its name to give the feeling of oneness with the State to the people of Ladakh. But the feeling of oneness cannot be created or maintained by giving the State the name of all its towns, neither can it be done by treating the people of one region as foreigners to the other. Sheikh Abdullah has often described the Dogra rule over Kashmir as a foreign rule implying that Dogras of Jammu were foreigners to the valley and vice versa. The feeling of oneness can only be created by treating all the regions alike and integrating the entire State with the rest of the country without reservation. If however the special status is to continue or the quantum of autonomy is to be considered at any stage, only to accommodate Sheikh Abdullah, the interests of the people of Jammu and Ladakh regions who have no faith in his leadership will have to be safeguarded to their satisfaction. They have exactly the same fears from the people of Kashmir as the latter have from the people of India.

Many people in the State and the rest of India are indulging in wishful thinking. They now find in the Sheikh a change for the better. They are gloating over his recent statement that his quarrel with the Government of India is not over the accession of the State with India but it is over the quantum of autonomy. Where is the change? It is the same old wine in new bottles. The Sheikh is notorious for making statements that suit the occasion, without, of course, changing his basic stand. He was all along for securing for his State a position where no one could remove him from authority. Call it independence, autonomy, special status or anything you like. Never was he in favour of a plebiscite which allowed the people the choice only to vote either for India or for Pakistan and not for independence. After the recent plight of Pakistan and her other allies anybody in his position would have given up all hope of revival but the Sheikh is clinging to his old demand with greater determination in the hope of dodging the Central leadership once again.

It may be asked, in what capacity Sheikh Abdullah is hoping to speak on behalf of the people even of the valley? What has

happened to the elected representatives of the people who are ruling the State ? Or were the elections really rigged ? The Sheikh must first prove his worth by participating in any future general elections. If he and his associates win, it will entitle him to form a Government in the State under the Indian Constitution like all other states of India, unless he hopes to win the elections only after becoming the Chief Minister through the back door first, as before. The Sheikh must also disclose the grounds on which he demands a special status or a larger autonomy for his state. Perhaps his secularism remains incomplete without preventing the application of the secular Constitution of a Hindu majority India to his Muslim majority State.

Only recently Mr. B.N. Mullick, the former Chief of Central Intelligence Bureau, has exposed the communal and anti-national activities of the Sheikh in his book on Kashmir. He has gone as far as to say that Abdullah's complicity with Pakistan and the fact that he was receiving money from her had been proved and a case for trying him in the court was almost complete when it had to be dropped at the instance of the Central Government. Abdullah's refusal to declare himself as Indian citizen and his meeting with Mr Chou-En-Lai in Algiers arranged through Pakistan during his trip to holy Mecca are still fresh in the minds of the people. There is no reason why he should not be tried for such serious anti-national activities, but until that is done he must not be given undue importance. He is what he is and must be kept at his proper place.

All obstacles in the way of complete integration of the State with India have disappeared. Pakistan has been cut to size, U.S.A. is in a state of shock, the Security Council has almost accepted the status quo and the people of the State have learnt to live with the realities. The time is over-ripe now to repeal section 370 of the Indian Constitution (which is of a transitory nature) in order to complete the integration of the State with the rest of India and end the uncertainty once and for all. Sheikh Abdullah can then decide whether he is an Indian citizen or not. If he is, and behaves accordingly, all the chances of rising to the highest position in the country like any other loyal citizen will be open to him.

The circumstances under which Sheikh Abdullah was imposed as Prime Minister of the State and the way he conducted himself during the five years of his Prime Ministership from 1948 to 1953 have been discussed in the preceding chapters. When after his removal

Bakhshi Gulam Mohammad took over, things changed a little for the better. His attitude towards the Sadar-i-Riyasat, as elective head of the State was then called, was not as aggressive as that of his predecessor, his relations with the Central Government were cordial and the people of the State including those of Jammu region were tactfully treated. He had become little overconfident towards the end of his ten years of Prime Ministership and was removed under the Kamraj plan. He was succeeded by Khwaja Shamas-Ud-Din who publically announced his intention of following in the footsteps of Bakhshi Ghulam Mohammad. He did follow soon atleast in respect of his eviction. The late Khwaja Ghulam Mohd. Sadiq then took over. It was he who made bold to take some effective steps towards the emotional integration of the State with the rest of the country. Not only he accepted the replacement of the Sadar-i-Riyasat by a Governor appointed by the Centre, and his own designation of Chief Minister, like other states but he also allowed the appointment of certain I.C.S., I.A.S. and I.P.S. officers from outside as Chief Secretary, Deputy Commissioners, Inspector General of Police, etc. respectively, although that was done mostly at the cost of the Jammu region. He died in harness in 1971 after heading the Govt. for about 8 years and was awarded the Padma Vibhushan posthumously. Syed Mir Qasim has only recently taken over and seems to be moving in the right direction, but group rivalries within his own party are likely to make his going little tough. Soon after his taking office he fixed dates for holding civic elections withheld for the last 15 years; these have since been held. It is hoped that the final step towards the complete integration with India will also be taken during his Chief-ministership to put an end to uncertainty created by Sheikh Abdullah's separatist activities and Pakistan's unabated propaganda.

One thing, however, was common throughout the entire period of popular rule over the State with a difference only of degree between the regimes and that was the neglect of Jammu and Ladakh regions. The special status of the State which limits the jurisdiction of the Supreme Court of India to it was mostly responsible for it.

Whatever the cause, the neglect of these regions was an accepted fact so much so that the Sadiq Govt. in consultation with the Union

Govt. appointed the Jammu and Kashmir Commission* of enquiry popularly known as the Gajendragadkar Commission in 1967 on the lines of the Glancy Commission (see Appendix VIII) appointed by Maharaja Hari Singh, except that while the latter was a result of communal grievances of the people of Kashmir the former was necessitated by the complaints of regional imbalances and while the Maharaja was sincere about the purpose of appointing the Commission and accepted all its recommendations which he fully implemented, the Sadiq Govt. reluctantly accepted the Gajendragadkar Commission's recommendations and only partly implemented them, so the regional imbalances stood where they were, particularly in respect of regional representation in Government Services.

The following were the terms of reference of the Gajendragadkar Commission :—

- (i) To make an assessment of the development programmes apportioned to the various regions of the State and to recommend measures necessary to give assurance that the resources available to the State Government are being shared equitably and also to convey a feeling of equal participation in the integrated development of the State.
- (ii) To examine the recruitment policies of the Govt. and to recommend measures for giving an equitable share in Government employment to the various regions and communities having special regard to the claim of the Scheduled Castes and economically, educationally and socially backward communities, classes and groups among the citizens of the State consistent with the maintenance of efficiency of administration.
- (iii) To examine the policies of the State Government regarding admission to institutions of higher education and the schemes of assistance by way of scholarships and loans, with a view to ensuring an equitable distribution of the available facilities to the various regions and communities, and having special regard to the claim of the scheduled castes and other economically and socially backward communities, classes and groups among the citizens of the State.

* The commission consisted of Dr. B.P. Gajendragadkar, former Chief Justice Supreme Court of India as Chairman, Mr. Shankar Parsad and Mr Badarud-Din Tyabji as members and Mr R. B. Bagchi as Secretary.

- (iv) To consider generally the causes that lead to irritations and tensions and to recommend remedial measures."

In considering the above matters, the Commission was required to take note of the provisions contained in para III "Fundamental Rights" as well as other provisions of the Constitution of India as made applicable to the State of Jammu and Kashmir and of the Directive Principles of State Policy laid down in part IV of the constitution of Jammu and Kashmir and particularly of section 23 thereof.

In spite of the Commission's hands having been tied by other provision of the Constitution of India as made applicable to the State of Jammu and Kashmir and the Directive Principles of State Policy, the Commission laboured hard and produced a voluminous report ending with its recommendations. It is neither desired nor possible to include the complete report in this book. Only short excerpts of it are, therefore, being reproduced here.

Dealing with Development Programmes after giving the necessary facts and figures, the Commission says :

"This shows that Ladakh has received a much smaller share than either the Jammu and the Kashmir regions and that as between Jammu and Kashmir regions, the share of the latter so far as Plan expenditure is concerned has been about 22 per cent higher than that of the former."

With regard to the agricultural programmes, the Commission after discussing the facts and figures says :

"Thus while the gross area under cultivation in the Jammu region increased considerably between 1950-51 it increased only marginally in the Kashmir region. In Ladakh it remained almost static. Further while the gross area under cultivation in the Jammu region is much larger than in the Kashmir region, the investment in Agriculture in the former has been substantially less than the latter."

Under the sub-head Animal Husbandry, the Commission says :

"This table shows that though the livestock population in the Kashmir region is considerably smaller than in Jammu region, the Veterinary Hospital facilities are better in the former and

very much larger sums of money have been spent there than in Jammu region or Ladakh”.

Under Forests and Soil Conservation, the Commission says :

“Thus in the field of forestry, the Kashmir region has received more attention than the Jammu region. In Jammu the emphasis has been on soil conservation. One wishes that more attention was paid to afforestation in Ladakh.”

Further under Irrigation, the Commission says :

“In irrigation, therefore, the Kashmir region is much better served than Jammu and Ladakh.”

Under ‘Power’ the Commission says :

“At the end of third Plan period, therefore, the availability of power in the Kashmir region was considerably more than in the Jammu region. In Ladakh it was almost negligible. The number of towns and villages electrified in the Kashmir region was almost double the number of those electrified in the Jammu region.”

About Industries, the Commission says :

“This shows that the Jammu region received less attention than the Kashmir region in Industrial Development.”

Finding no disparity under “Transport and Communication” between Jammu and Kashmir regions the Commission has this to say with regard to education :

“The data given above indicate the progress made in this vital field of development. They also show that in education, the Kashmir region has done better than the other regions. The student-teacher ratio for High and Higher Secondary Schools is smaller in the Kashmir region than in the Jammu region, though for colleges it is higher in the former. Enrolment in colleges is much higher in the Kashmir region—almost twice the enrolment in the Jammu region, though the former has only two more colleges. Professional Institutions also are located mostly in the Kashmir region. The Agriculture college at Ranbirsinghpura in the Jammu Division has since been ordered to be closed.”

After discussing the policy of recruitment to Government services in detail and tracing it back to the Maharaja's time the Commission says :

"Appendix 9 is a summary of the data as compiled in the Commission's Secretariat. It will be seen that region-wise, the position in the Kashmir Valley, taking both the rate of annual recruitment and the total strength of the staff, has improved while the corresponding position in Jammu has deteriorated. Though the Kashmir region's population is 53.3 per cent of the total population of the State, its share in the services as on 1 April, 1967 was 60.9 per cent. The Jammu region's population is 44.2 per cent of the total population of the State but its share in the services on 1 April, 1967 was only 36.1 per cent."

It is not intended here to support the principle of fixing quotas for recruitment on purely regional basis but every Government must have some policy of recruitment to Govt. Services and posts based on the principle of merit, and equality of chances for all, with, of course, necessary safeguards for the scheduled castes. The State Government had no such policy and recruitment and promotions were made at will either without any competition or if any was held, without caring for its results under the pretext of safeguarding the interests of backward classes which they had not properly defined until the Supreme Court in their judgement in writ petition No. 107 of 1965 delivered on 23 April 1968, passed strictures on this state of affairs. This unrestricted freedom of recruitment was used by the Government as a means of shutting up their political opponents by offering them or their relatives some prize posts. Describing the position the Commission says :

"As we have already mentioned in paragraph 5.10, there was a large expansion of the services after the introduction of popular rule in the State in 1947. There were instances as a result where the recruitment was made without observing the usual formalities, besides, some appointments in the higher ranks were also made from political cadres".

In respect of higher educational policies, the Commission says :

"We have scrutinised the statistical data pertaining to admission of students to institutions of higher education furnished by the ,

State Government. An abstract of these data is given in Appendix B. We note that as between the Jammu region and the Kashmir region, the number of students belonging to Jammu selected for study in higher institutions was much smaller than the number of those belonging to Kashmir but the share of Hindus* has been much larger than that of Muslims in all the important courses of study”.

Discussing the causes that lead to irritations and tensions, after accepting all the above disparities as possible causes, the Commission listed some other causes, chief among them being that the Jammu Dogras who mostly sought employment in the State Army lost their source of employment when the State ceased to exist as a separate entity. Here the Commission seems to have gone wrong. The Dogras, so famous for their valour, are a much sought after element in the Indian Army and enbloc integration of the State Army with the Indian Army as was actually the case, could not have thrown the Jammu Dogras out of service. With the integration the number of units in the concerned regiment was on the other hand increased and further avenues for employment of Jammu Dogras were opened.

Based on the above observations the Commission made its recommendations which are not being reproduced here, but these are on the whole reasonably sound. If sincerely and honestly implemented, these can go a long way to improve the existing state of affairs. Though they are on the whole reasonably sound, they are no substitute for the complete integration with India. The State Government has accepted the recommendations and have announced their intention of implementing them. But issuing orders for their implementation is one thing and ensuring their honest implementation is another. Much depends on the integrity and the capability of officials entrusted with the implementation of such important recommendations.

The following extract from the Commission's report is pertinent to the issue :

“The need for giving the people a clean and efficient administration cannot be over-emphasised, but as the Jammu and Kashmir State occupies a strategic area and there are already several other matters which are causing irritations and tensions in the State,

*This unnecessarily introduces a communal consideration without solving the infamous problem of regional imbalances.

the need for this in Jammu and Kashmir is even greater. We hope that the State Government will address themselves urgently to this important matter and that in this endeavour they will receive the unstinted support of the services.

“We have stressed the need for giving the State of Jammu and Kashmir a clean and efficient administration which may inspire the faith of the common man in the impartiality and incorruptibility of its officers. It is obvious that in securing a clean and efficient administration for the State its services will have to play an important role. The members of the services should be men of character and integrity who are able to act independently and fearlessly without running the risk of incurring the displeasure of their official superiors or political bosses. In order to give them a greater sense of security we should like to make certain recommendations”

And then the Commission went on to make their recommendations which advocate the normal procedure for recruitment to services adopted by all Governments worth the name.

A sincere and honest effort to fully implement the recommendations of the Commission is, no doubt, called for.

CHAPTER XII

THE SIMLA CONFERENCE

While this book was in the press, a significant development took place at Simla in the form of the Indo-Pak summit conference. As the agreement arrived at, as a result of this conference, has a great bearing on the state of Jammu and Kashmir, it was considered desirable not to omit it from this book even at this late stage. This conference which was held from 29 June to 2 July 1972 was the first of its kind between India and Pakistan since their inception. A similar conference had no doubt been held at Tashkent after the Indo-Pak war of 1965, but there is a world of difference between the two. While the Tashkent Conference and its agreement were imposed by a third country on both India and Pakistan, none of which had won a decisive victory over the other, the Simla Conference and its agreement was between the victor and the vanquished with no foreign pressure. Some friendly advice, if offered by a friendly country which supplied everything but her own army, to enable this country to win the war, had, however, to be gracefully accepted even if it sometimes amounted to pressure provided, of course, that it did not run counter to the national interests of this country. No country ever comes to the aid of the other in a big way unless she too has a reasonable say in the affairs she supports. The existence of this type of pressure, if it can be so called, cannot perhaps be ruled out.

Pakistan was created to prevent India from becoming a big power. Free Military Aid was given to her by Western countries to maintain a balance of power in this region, inspite of the fact that by so doing they supported dictatorship, against democracy which they claimed to be great exponents of. They made Pakistan a member of all sorts of military alliances like NATO, CENTO, and SEATO and lulled India into deep slumber by singing praises of her policy of non-alignment and non-violence. They contributed liberally to the estrangement of relation between the two countries while posing to be friends of both. They turned the independence of both the countries into dependence by providing them with economic aid with all sorts of strings attached. They helped or atleast connived at frequent acts of aggression by Pakistan against India, both inside and outside

the U.N.O. All efforts on the part of India to avoid war, including frequent offers of "No war pact" were construed by all concerned as a sign of weakness. India was soon left with no choice except to have a trial of strength with Pakistan, for which she was the least prepared. She had all along neglected her defence preparedness in favour of economic progress, until she was shaken to her roots by the Chinese invasion across the invincible Himalayas in 1962. Even after that her poor economic condition did not permit her to enter into an arms race with Pakistan which was getting limitless free military aid. The only course open for India was to get support from some big powers, but her policy of non-alignment came in the way. The Western Bloc being already on the side of Pakistan, Russia was the only country which could support India and the only wise course for her, under the circumstances, was to enlist the support of Russia, but this was not adopted even when Russia herself once offered to sign a treaty of peace and friendship with India.

When President Yahya Khan of Pakistan announced his policy of reverting to democratic rule and the results of elections to the Pakistan's proposed National Assembly in which Sheikh Mujib's National Awami party won by an overwhelming majority, did not suit him and his western wing, he in consultation with Mr. Z.A. Bhutto, whose People's Party had won a majority in that region unleashed a rule of terror in the Eastern Wing and committed large scale atrocities on the people, killing millions of men, women, children and intellectuals to end the race completely. Millions of refugees crossed over to India for safety and created a grave economic and security problem for her, while the whole world acted as silent spectators. India which was directly effected could not afford to do that. After giving a reasonable chance in vain to Pakistan, her allies and supporters; the Security Council and the whole world, to improve the sad state of affairs in East Pakistan, India under the wise leadership of Mrs Indira Gandhi decided to act. The country's defence forces were efficient, brave and dependable but they were not as well equipped as a modern army should be. They needed most modern arms and equipment to match that of Pakistan. Mrs Indira Gandhi rose to the occasion and without much impairing the cause of non-alignment took the only wise step the occasion demanded, that of entering into a treaty* with Russia which though called the Treaty of Peace and

*For text of treaty see appx IX.

Friendship served India's cause better than the military alliances served that of Pakistan. This treaty did not bind the two countries to any particular action but left everything to be settled during mutual consultations proposed therein.

While India was still considering whether to take the risk of starting a war against the strong pressure to the contrary from the western countries, Pakistan to be very sure of her success, carried an Israel type pre-emptive air strike on almost all the Indian airfields on 3rd December 1971 without, however, doing much damage and simultaneously launched ground attacks across the international border and the ceasefire line, in the western wing.

The Indian Air Force strongly retaliated immediately and soon crippled the Pak Air Force. The Army and Navy did not lag behind. Within just fourteen days of war they, alongwith the Mukti Bahini of Bangla Desh, not only liberated the entire East Pakistan taking about ten million prisoners of war in the stride, but also occupied about 8,000 sq kilometers of Pak territory in the west, before the Indian Government declared a unilateral ceasefire from 18th of Dec. 1972.

The efficiency and speed with which the Indian Defence Forces carried out their job surprised the world. Even U.S.A. miscalculated the speed of the Indian advance and made a show of her Seventh Fleet in the Bay of Bengal, whatever its purpose, not before it was too late. A new country came into being with flying colours in the form of Bangla Desh and all the refugees in India returned home safely.

Yahya Khan was replaced by President Z.A. Bhutto who, though himself responsible for the policy of confrontation with India and genocide in Bangla Desh, had emerged a wiser man. He looked puzzled for sometime, but gradually gained confidence and even restored democracy in his country for the first time in several years. He was naturally keen to secure the return of his prisoners of war and the territory occupied by India but was reluctant to take the initiative for the necessary peace talks with India.

Mrs Indira Gandhi again took the lead and made a sporting offer of direct talks between the two countries on the basis of equality, which Mr Bhutto did not take long to accept. After completion of necessary formalities a conference at Summit level was arranged at Simla where 5 days of hectic discussions between the delegations of

the two countries and their leaders—Mrs Indira Gandhi and Mr Z.A. Bhutto—produced a document known as “Simla Agreement*”. This was hailed by both the parties concerned and by many other countries as a great success and a first step towards normalisation of relations between the two countries and their peaceful co-existence. Strong dissenting voices were also raised in both the countries but the agreement was on the whole well received.

No agreement, Treaty, Communique or statement can be so perfect as not to invoke controversy from some quarters on some of its contents. The Simla Agreement is no exception. Such agreements have, therefore, to be considered as a whole after considering all the arguments for and against them.

The first objection against the agreement seems to be that it does not contain the much talked of package deal which India wanted to have. The very fact that the parties agreed to talks implies that they were prepared to revise their points of view in a spirit of give and take. If both parties had to stick to their respective demands this could well be done without the talks. When the talks are held the parties naturally begin with putting forward their maximum demands, in a forceful manner and end up with whatever is mutually agreed upon. This is what both parties rightly did at the Simla talks and neither of them got what they had aimed at. If India failed to get a package deal, Pakistan failed to get her prisoners of war.

Most people in India were misled by what Mr Bhutto told the people of his country on return from Simla. He boastfully told them how he stood firm on his declared principles by refusing to sign a ‘No War Pact’ with India. Mr Bhutto should have the liberty of tackling his people the way he thinks best but as far as the agreement itself is concerned, he has signed a no war pact without calling it so. After all, what is the difference between signing a no war pact and signing an agreement eschewing the use of force? Some critics ask what was the guarantee that Pakistan would not use force over Kashmir or anything else in spite of this agreement; but then what was the guarantee that Pakistan would not have violated a no war pact. There can never be any sure guarantee for such things except a country’s own strength. If a country can create circumstances to compel another country to sign an agreement of this nature, surely that country can see to it that the agreement once made is fully implemented by the other country.

The chief controversy appears to be over the question of Jammu and Kashmir and the return of occupied territory. About Jammu and Kashmir, some say that a settled question has been reopened. Even Sheikh Abdullah has derived comfort from his wishful thinking that the existence of a dispute has been accepted by India. The settlement referred to by these people is the unilateral declaration of India, often made, that the Kashmir question was finally settled and would not be discussed any more except for the recovery of the State's territory under Pakistan's occupation, for which India would not use force. There is nothing in the agreement that goes against India's this declared stand.

As regards the return of Pak territory occupied by India during the December war of 1971, such territories are normally returned when peace agreements are signed between the countries involved. Moreover the return of these territories is perfectly in accordance with the often declared policies of the Government of India that this country did not covet an inch of Pakistan's territory. Some quote the example of Israel, but if U.A.R. responds to Israel's Prime Minister Mrs Golda Mier's appeal for direct talks as Mr Bhutto responded to Mrs Indira Gandhi's similar offer, the occupied U.A.R. territory is bound to be returned as a result of the peace agreement if it takes place.

While the critics of the agreement call it a complete sell out, some of its supporters describe it a great triumph, particularly for securing an agreement on settlement of differences by bilateral negotiations and without use of force. These points are no doubt significant and without them the whole agreement would not have been worth the paper on which it was written but there is not much of a triumph in them. As long as both the countries are members of the United Nations Organisation, the principles and purposes of its charter are bound to govern the relations between the two countries irrespective of whether this fact or the opposite of it, is mentioned in the agreement or not and the parties remain absolutely free, inspite of what is contained in the agreement, to have their disputes settled through the U.N.O. In the agreement the parties have however emphasised their desire to resort to settlement of their differences by peaceful means through bilateral negotiations and there is no reason to believe that the parties did so without any purpose. Even if Pakistan takes recourse to the U.N.O. which she is free, but not likely, to do India with a strong case has nothing to fear. Mr Bhutto himself told the Pakistan National Assembly while winding up the

debate on ratification of the Simla agreement that Kashmir case was lost in 1948 when the Security Council asked Pakistan to withdraw all her forces from the State and allowed India to keep some of her forces there. As regards agreement to eschew use of force, such an agreement from a defeated country is not unexpected.

As a matter of fact, the agreement is neither a complete "sell out" nor is it a "great triumph" for India. It is just a good first step towards the establishment of the much needed lasting peace between the two countries and is on the whole a praise-worthy agreement. Atleast the fears expressed in certain quarters that our Prime Minister might lose at the conference table what she and the brave armed forces had won on the battlefield have proved to be unfounded. However to ensure that no such things happen even in future, it will greatly help if the political parties in the opposition continue to highlight the shortcomings of such agreements, which are bound to be there, by constitutional means.

However much one may disagree with her internal policies, the way Mrs Indira Gandhi handled the Bangla Desh problem inspite of the frowns and frenzies of some powerful nations, conducted and won the war, and then conducted talks for a durable peace, there can be no doubt that she possesses the outstanding qualities of leadership and can safely be trusted to lead the nation in its hour of trial. She has very much enlarged the country's stature and has placed her among the great countries of the world where she can no longer be humbled at every step as in the past. The freedom won by the country in 1947 was freedom only in name as it was again restricted by the big powers through their economic and other aids. The real freedom for the country was won in 1971.

Peace with Pakistan is now well within sight. The people of the State of Jammu and Kashmir who had always been the first victims of Pakistan's repeated acts of aggression can now hope to live in peace but apart from being victims of aggression they have been victims of conspiracies for a long time. One such conspiracy is being hatched at the moment by Sheikh Abdullah who prefers to call himself "the people of Kashmir". This conspiracy is for achieving "greater autonomy" for the entire State. Much depends on how the Govt. of India deals with this conspiracy but if unfortunately any such thing finds favour with them, which is unlikely, the flood gates of further conspiracies, national and international, will be opened

do, the Kashmir Govt. did, with a simple easy stroke of the pen. The Co-operative movement, the Shali arrangements, the abolition of "Vad", the summary liquidation of a large portion of rural debt, the Agriculturist Relief Regulation with its retrospective effect, the compulsory primary education, the special Mohammadan scholarship for higher education, the large concessions in the matter of appropriating village communes, the prolongation of the terms of settlement from 20 to 40 years and the writing off large arrears of land revenues all these have benefited the Mohammadans and the peasantry which is mainly Mohammadan. In the matter of providing posts to the Mohammadans in the public services the Govt. have done more than they could justly claim and in doing so it has overlooked the claims and interests of persons of the other community. The Govt. has at every time evinced an anxiety to find a Mohammadan for a vacancy. There are numerous instances where Mohammadans who were hardly efficient or deserving, have been pitch forked to posts or given training and scholarships, in spite of the fact that far more deserving and far abler Hindus were among the claimants. It will appear, therefore, that there was no legitimate cause for any feeling of disaffection against the Govt. on the part of the Mohammadans.

The cause of the recent outbreak should not be sought in the disaffection of the masses, the agriculturists or the labourers—skilled or unskilled. For they could combine only if they felt any economic distress. But the economic conditions of Kashmir have considerably improved. They have decidedly been better than they were six or seven years ago. Elsewhere in India, economic depression at the present time is largely due to a fall in the price of foodstuffs. In Kashmir it was obviated by the State Granary department which assured the peasant his normal price, and thus regulated the prices generally. It may best be stated here that the damage and distress caused by 1928-29 floods in certain parts of Kashmir, were speedily relieved by the State. Nor does this Mohammadan agitation aim at ameliorating the condition of the labourer or the worker. For it is not a movement for establishing labour and trade unions. Other classes of Mohammadans too, traders, embroiders, artists and skilled labourers have no special cause of grievance in so far as they are economically well off.

Nor again is this outbreak a result of unemployment among the educated Muslims. The ratio existing between the university

qualified and the unemployed is much higher in the case of Hindus than in the case of Mohammadans. The figures are given in an Appendix to this statement. The total number of the unemployed among the Hindus is about 600, while that of the Mohammadans is about 20. One fact is significant in this connection. About a hundred Hindus serve under Mohammadan traders as their clerks, a fact that proves the dearth of unemployed educated Mohammadans. Even their Islamia schools have to employ Hindu teachers. While Kashmiri Hindus who go down to the plains to receive post-graduate or professional instruction at their own expenses are available, the State awards scholarships to Mohammadans and employs them in preference to better qualified Hindus. Hindu graduates and M. As. of Kashmir have been and are being employed on posts carrying very small emoluments. Posts reserved for Mohammadans have to go abegging. The Accountant General advertised for Mohammadan graduates required for his office but not one application was forthcoming.

The Hindu community has done absolutely nothing to deserve the ill will of the Mohammadans. Boon after boon was conferred upon the Mohammadans at the expense of the Hindus. Hindu officers are subjected to premature retirements and unwarranted dismissals. Special favouritism was shown to the Mohammadans to the detriment of Hindu interests. Still the Hindus as a community never protested, and always took care not to furnish any cause to their Mohammadan fellow subjects to feel that they were in any way opposed to their advancement. Even in the matter of so called Muslim demands the local Hindus i.e. the Kashmiri Pandits never raised a dissentient cry. While the Mohammadans were by special concessions and favours gaining ground everywhere, the local Pandit was being ousted from the field. But though the unequal treatment caused him heart-burning, he neither grew inimical towards his Mohammadan countrymen nor did he become disloyal to his Ruler. Kashmir Hindus have always shown respect towards their Mohammadan countrymen's religion, nor have they ever wounded their susceptibilities. The recent attack on Hindus in Kashmir is unique in as much as it was wholly unprovoked.

The cause, therefore, of the Mohammadan agitation is to be sought in the Islamic agitation, outside the State and the propaganda of the Muslim press of the Punjab. Some Punjab communalists seemed determined on promoting disaffection against the Govt. and exciting hatred against the Hindu community. Some Muslims from outside

who came in for long or short terms to Kashmir brought with them the communalists' cult and contributed to the propaganda. It may also be submitted that the indiscriminate grant of concessions and favours to Mohammadans is also responsible for the violent agitation against the Government.

The causes would not have led to the developments which we have witnessed during the past few months, but for the supineness of the authorities whose function it was to see that unconditional and violent methods of agitation were not adopted and law and order was not disturbed. In the beginning the agitation was comparatively less harmful. But it was left unheeded by the authorities and the "Leaders" gained in boldness and strength. Each succeeding move was more objectionable, than that which had proceeded it, till the agitators lost all restraint over themselves and uttered exciting slogans and did other things which clearly came within the purview of sections 124-A and 153-A.

It appears that some persons for different motives of entirely individual and selfish character lent countenance to the agitation. They were irresponsible men and therefore more or less indifferent to consequences and aimed at exploiting the agitation for their selfish purposes.

To a dispassionate observer it must look strange that the authorities responsible for law and order thought it fit not to intervene when the agitation was growing and there was every likelihood that, if not effectively checked, it would overflow all bounds. It was by adoption of drastic measures that the non-cooperation, the Akali and civil disobedience movements of British India were not allowed so much as to find any echoes in the State. The Arya Samaj had on many occasions been subjected to check and restraint. Was the Dogra Sabha not suppressed and the Weekly Ranbir issued from Jammu not stopped under Govt. orders? And for what offence? Only last year a demonstration unattended by loot, arson or any other outrage on the occasion of the arrest of Mr. Gandhi in which cries of "Mahatma Gandhi Ki Jai" alternated with those of "Maharaja Bahadur Ki Jai" called forth the whole machinery of law to operate against persons who could not perhaps have succeeded in preventing the demonstration which was perhaps inevitable. Did not the same Govt. adopt a policy of non-interference in connection with the recent campaign of communal hatred and sedition. They cannot plead that

they were not aware of what was happening, because every one, Hindu or Mohammadan could clearly read the signs. We are informed that reports and representations written in unequivocal language about all that was happening and all that it might lead to had reached the authorities. Why was the holding of such meetings even allowed, when the law is clear; no political meetings to be called without the permission of the District Magistrate? And worse than that, why instead of proceeding against the "leaders" legally, did the authorities recognise them as representatives of the public? For the simple reason that they had flouted the law and discredited the natural leaders of the community whom the authorities also disowned.

Leaving aside their failure in effectively suppressing the movement which was unconstitutional at the very commencement, the authorities are answerable for not taking precautions against any unlawful developments at the Jail where large crowds were asked to assemble by the Mohammadan "leaders". Nothing again could be more culpable than their failure to stop the destruction of the Sangam bridge regarding which clear warnings had been given. The authorities were active only on the occasion before the riots viz. in stopping the funeral procession of the murdered Pandit girl and charging it with lathis till it was compelled to retrace its steps and take a more circuitous route. In the case of Mohammadan agitators, the authorities followed a policy of drift and allowed things to take its course till the Mohammadan mob actually established its own Raj. It is a chapter of straining at gnats and wallowing camels. In spite of indiscriminate looting searches were stopped, but a Hindu was challaned by the Police for having raised due alarm when an attempt was made by Muslims to set his house on fire.

We need not present any details of the outrages which were perpetrated. They were of the type of a barbaric vendetta against the Hindus whenever it was possible to commit violence without meeting any resistance worth the name. The Hindus came in only as sufferers: the happenings were not otherwise due to any communal tension. The rebellion, for so it was directly and definitely a rebellion against the Government and Hindus came in because they were non-Muslims—"Kafirs"—and because the Maharaja, in spite of his noble profession of having as ruler no religion, is a Hindu by birth. It also appears that the Hindus were dragged in to excite the masses by stirring their fanaticism. Whether or not the imaginary demands of the irresponsible agitators and ring leaders were met would not

obviously be the concern of the large majority of their co-religionists who are engaged in trade and other occupations. It, however, suited the purpose of the agitators that the masses should be excited and their religious passions roused.

On the afternoon of the 13th July Goonda Raj prevailed in Srinagar. The mob raided the Jail and perpetrated untold outrages on the life and property of the Hindus in the city and at Vicharnag. They continued raising fanatical and revolutionary cries while looting, assaulting and wounding the Hindus who had offered absolutely no provocation. The pillage, arson and incendiarism were not the outcome of fury but were cold blooded acts in pursuance of a prearranged programme. The activities which the authorities had neglected to control and check had kindled a fire which later became a conflagration.

In spite of all this, even after the 13th July, the policy of drift adopted by the authorities was remarkable. The situation was not brought under complete control for two weeks after the outbreak of the 13th July. At the present moment the prestige of the Govt. has reached such a low level and the law breakers have become so emboldened that a recrudescence of mischief may take place any moment and on the least excuse, unless effective steps are taken to deal with it. After the rioting, while the interests of the Hindu sufferers were ignored and even lip sympathy was not extended to them, the law breakers received encouragement from the various acts of omission and commission of the authorities. People are justified in expressing surprise at the behaviour of the authorities in not visiting Vicharnag, where havoc had been wrought and several Hindu families ruined. And even after the orgies, the authorities tried to placate the rebels who true to their schemes, assaulted the military troops and openly defied and flouted the authority of the Govt. The authorities tried to arrange a kind of truce with plotters and agitators of doubtful antecedents. Men who ought to have been punished as conspirators, were treated as pillars of the State on whose gesture was hanging its fate. This was enough to demonstrate to the Muslim masses the importance of their leaders. And what was the response to the pourparlers ? The "hartal" become stiffer, counter complaints against Hindus and the military were fabricated, the Royal warrants calls to serve on the Commission were not obeyed and sec. 144 was openly defied. The release of the detainees whose lead and activity created bloodshed and conditions of anarchy in Kashmir was the

climax of a series of acts of the authorities in which all displayed their lack of efficiency and statesmanship.

A few words regarding the grievances of the Mohammadans. The charge that they are kept under a state of slavery is false and mischievous. Their opportunities for advancement in all walks of life are as good as, if not better than, their fellow subjects of the Hindu community have. There is absolutely no disability of Mohammadans as such. On the contrary almost all land agriculture is in their hands. The same is true of almost all arts, crafts and professions, which are there close preserve. Every new move towards the development of the resources of the country advances their interests and welfare. We have referred above to some boons of recent years which have evidently promoted the good of this community. In matters of religious observances they have the same facilities as followers of other religions have. In the matter of education they have all the facilities which Hindus have plus special facilities in the form of closed scholarship and liberal grants in aid. As regards Govt. services Mohammadans receive special favours and consideration. Instances are numerous in which competent highly qualified and senior Hindus are superceded in favour of inefficient, less educated and junior Mohammadans. If Mohammadans prefer lucrative occupations to clerkship, and if on that account they do not care to avail of the facilities for secondary and higher education, who is to blame? Those Mohammadans who availed of the special opportunities have fared far better than the Hindus. The Mohammadans who received University certificates or diplomas before the current year and sought for employment did not meet with any of the failures which hundreds of Hindu graduates are every day experiencing. The number of Muslims of this kind who are still waiting for re-employment is said to be not more than...and that in spite of the fact that the preceding two years were those in which in the interests of economy, the Govt. had to effect retrenchment. Indeed a tolerable Mohammadan under-graduate often fares better in seeking services than a first class M.A. who is a Hindu.

The Kashmir Hindus know that in the education of their Muslim countrymen lies their best security if, as it is hoped, proper education will succeed in removing religious intolerance and bigotry. The Hindus have indeed done their best to help the Muslims to get educated. In their non-official efforts to educate girls, the Hindus have started three schools exclusively for Mohammadan girls manned

by Mohammadan staff, though not a single Mohammadan contributes towards the upkeep of these schools. Opportunities for acquiring knowledge have been always equal in the State, the only inequality consists in granting special facilities to the Mohammadans. In Kashmir the Kashmiri Pandit has been declared ineligible for posts on account of his being a pandit. A notorious instance of this occurred some years ago, when the head of the State Game Laws Deptt. declared that a particular person "was quite fit but could not be appointed because he was a pandit." This is certainly what Hindus resent and have a right to resent. Encouragement given to a particular class of His Highness' subjects is one thing, but putting a premium on ignorance or illiteracy is quite another. A Mohammadan naturally feels proud that his religion not only helps him to earn merit for the hereafter but also confers on him boons in this world. He is fortunate because he is a Mohammadan. It may humbly be submitted that that is not religious neutrality.

A point seems to have been raised about the proprietary rights of land. The present regulations according to which the indebtedness of the agriculturist is guarded and they are prevented from alienating this land by sale or mortgage is to their own interest. The entry of State as proprietor is entirely nominal. At any rate this is not a point of conflict between the Hindus and the Mohammadans.

In conclusion we may state that if the Mohammadans have any genuine grievance on points not known to us we would not, as we have not done so far, stand in the way of their being redressed. But it is necessary in all measures that are to be taken that the Government should make adequate provision for the protection of the traditional and patent rights and claims of the Hindus, the Sikhs and the depressed classes who have all along been loyal and have contributed in their humble way to the building up of the Jammu and Kashmir State. Nothing should be done unless all the minorities have had their say in the matter of constitutional or communal concessions. All classes of His Highness' subjects must receive equal consideration. Above all, it is in the highest degree necessary that the Government should govern, always justly and tactfully indeed, but with firmness and resolution so that law abiding citizens are enabled to pursue their vocations, the sanctity of the home is not violated and Goondas do not dictate terms. The Hindus of Kashmir do not claim any special favours because they are under a Hindu Ruler, but

they have certainly a right to live under a Ruler whose religion is justice.

Statement of Abdul Aziz,

(witness No. 89/Exhibit No. 104),

“The present agitation originated when a representation was submitted to the Viceroy before exilement of Kh. Saad Ud-Din Shawl. One day before exilement of Kh. Saad Ud-Din Shawl, Moulvi Ama Shah Kalan, M. Ama Shah Khurd, Said Shah Ualali, M. Sharif Din, Kh. Hassan Shah Babdi, Kh. Hassan Shah Naqashbandi, Kh. Noor Shah Naqashbandi, Kh. Aziz Mir and others whose names I do not remember collected at Kh. Salam Shah's house which is located at Khanayar near Saad-ud-din Shawl's residence. There they talked about several things. The main point of discussion was that the Mohammadans were looked down and were not given good posts. They were entangled under the tyrannical hands of Hindus. We will try to get our demands by sending representations and telegrams to the Viceroy. They told late Kh. Aziz Mir Zaildar to join and help them. I and Aziz Mir told them that we were zamindars and subjects of His Highness, we had no concern with employments, nor there was any person among us who was worthy of getting such employment. Especially His Highness had granted us rights and we had got various easements and hoped to get more in future, therefore, we could not join them in those things and I did not know what aim they had in that. We then left for our village. When those secrets came out and Kh. Saad-ud-din Shawl was exiled and other persons who begged pardon were pardoned, the spirit of agitation remained in the hearts of people.

This year through prayers of Hindus and Mohammadans, Almighty granted a Prince to His Highness and on whose birth both Hindus and Mohammadans highly rejoiced. When the telegram of His Highness' arrival reached Srinagar, notable Hindus and Mohammadans collected at Mirza Mustafa's house, and discussed giving a joint party to His Highness. Kh. Noor Shah had taken all of them for that meeting. He, therefore, tried through Pt. Tarachand Trisal not to hold such other meeting at Mirza Sahib's house. The following persons were present in the meeting : M. Gulam Mustafa, Pt. Balkak Dhar, Pt. Nand lal Mattoo, Pt. Raghunath Matoo, Kh. Mahi Din Kavsa, Kh. Ghulam Mohi-Din Shawl M. Assad Ullah, Pt. Chander-

Joo, Aga Sher Ali, Kh. Noor Shah, H. Mohammad Ali, Pt. Amar Nath Kak, Pt. Tara Chand Trisal, Saad-Ud-Din Shawl and others. The members of this gathering said that as Almighty has granted Heir Apparent to His Highness they must jointly show their happiness on this auspicious occasion. They had not to present any demands but to express their happiness. It was, therefore, settled to hold another general meeting at K.S. Gulam Mustafa's house. As there was not sufficient accommodation for two or three hundred people at Gulam Mustafa's house, it was consequently settled that next meeting should be held at Pt. Balkak's house. Meeting was, therefore, held at Balkak's house where notable Hindus and Mohammadans assembled and it was resolved that Hindus and Mohammadans would give joint party to His Highness, not to present demands but to express happiness. Kh. Noor Shah, Sad-ud-Din Shawl, Hussain Shah Jalali's, Ghulam Ahmad Ashai took it ill and when the meeting dispersed they discussed and said why should they give joint party with Hindus. They had to present their demands to His Highness. Hindus would stand in the way of their presenting demands. They should therefore arrange to give a separate party and should present their demands to His Highness. Mohammadans of Jammu should be joined because Jammu was totally in the possession of Dogras and not a single Mohammadan was allowed to be taken in service there. They should take full part in their cause so that they may be able to represent seventy five percent demand of service in which they hoped to succeed. Consequently Kh. Noor Shah, Saad-ud-Din Shawl, Pir Makbul Shah, Ghulam Nabi, employee of Shali Store, Ghulam Ahmad Ashai, M. Shah-ud-Din, M. Yusuf Shah, M. Abdullah Vakil, M. Abdullah of Sovra, Qazi Mustafa Shah Kothidar, Gaffar Basu Kothidar, Gafar Handu, Ama Mir, Zaildar, Pampur, Ama Malik Pulwama, Akhbardar Darbagam, Mukhtaton Takin and others assembled the next day in Khanayar Ziarat. Mirza Mustafa and Assad Ullan Vakil were not present that day although letters were written to them. In this meeting it was settled to join the party to be given to His Highness on behalf of Mohammadans and it was said that was the proper occasion for presenting demands. Another meeting was held next day as all notables were not present in the previous meeting. Other notables were called and letters sent to them under signatures of Ghulam Mohd Ashai. Besides persons mentioned above many people assembled at Ziarat, M. Ghulam Mustafa also attended. He was selected President but he declined, Saad-ud-Din Shawl was then hinted at but he also refused. Conse-

quently M. Abdullah of Sovra was selected President and collection of contributions for party was suggested. Some gentlemen gave lectures also saying that they had to present their demands to His Highness, specially for employment, religious freedom (several questions of Islam were discussed which was not advisable to pen down here), sale and purchase of lands etc. etc. were important demands. They said "How long should we remain in darkness. Oh Mohammadans, get awakened, demand your rights and direct your energies towards education. We are at present suppressed under tyrannical hands of Hindus because all employees of Jammu and Kashmir State are Dogras. Be courageous and leave weakness and face Kashmiri Pandits first because they are weak, we can then step towards Hindus of Jammu and shall succeed without fail". This agitation continued until His Highness arrived in Kashmir and it became known that His Highness has refused parties of both sects. When on auspicious occasion of Prince's birth His Highness granted Jagirs and Pattas to some persons in the Royal Durbar held at Shergarhi and also remitted revenue baqaya the Musalmans of Srinagar got displeased and began to criticise this action. They said that "His Highness granted Jagirs on his coronation and birth of Prince to his Dogra brothers but nothing was given to us, poor people or to Mujaviran Ziarats or for building of any Ziarat. What happiness have we got in this? If however Jagir has been granted to Aga Sayed Hussain, it was because of his submitting a Razina on behalf of public with fictitious thumb marks to Government of India". This added to the agitation of the people, and people began to mistrust. The above mentioned persons went on holding confidential meetings. In the meanwhile this agitation had its effect in Jammu also. People of this place went to Jammu for consultations. One day M. Yusaf Shah, M. Abdullah, Shah-ud-Din went to Kh. Salam Shah and told him that as he was a Mohammadan why did he dismantle a mosque in Reasi. He replied that he was in service and under influence of the Govt. he did that, for which he was repenting now and, therefore, did not dare go back to Reasi because Mohammadans and Hindus were against him otherwise he also was with Mohammadans. He also said that Mr. Wakefield, Mr. Effendi, Nowab Khusró Jang and Abdul Majid Khan were their helpers and said "If you make your party I will also be with you". In the meanwhile rumours of "tauhin" of Quran Sharif and dismantling of mosque added to the agitation, otherwise it was not known to the people of this place what the demands meant, Nor had they

any gain in it. Only few agitators spread this agitation in public for securing service and collecting subscriptions.

When agitation spread more, Mr. Wakefield called one day M. Abdullah, Mohammad Abdullah M. Yusuf Shah to himself. When these people returned they said that Mr. Wakefield had promised that if they desire to get their demands they should unite and be ready. He would get their demands granted by His Highness and if His Highness did not grant them, he would get them from the Viceroy. Mohammad Abdullah said that Mr. Wakefield had told him that if he wanted to become a leader he should resign his service. He resigned and began to give lectures openly and began to spread among people that Quran Sharif was disrespected. He called Abdul Qadir from Nasim Bagh to join in giving lectures who gave exciting lectures for which he was arrested. On hearing this Kh. Salam Shah, Kh. Noorshah, Mohammed Abdullah, M. Yusuf Shah jointly went to Mr. Wakefield and asked him what should be done now. He said "be united and don't be afraid". Through this instigation people began to collect in court in connection with Abdul Qadir's case and began to make horrible noise and shouted loudly. Afterwards when the hearing of the case was arranged at the Jail, Mohd. Abdullah, Kh. Salam Shah and Kh. Noor Shah again went to Mr. Wakefield who told them that people should go in large numbers to jail and they should ask that they may also be put in jail. On this hope people collected in large numbers near the jail on the day of event and when they were not admitted into the jail they began to throw stones and also attacked. People dispersed when bullets were fired from jail and began to collect in Juma Masjid. From there Mohammed Abdullah went with the people to bring corpses from the jail, which they brought on the policemen's charpoys to the Juma Masjid. Two corpses were taken to Maharajganj on Dr. Abdul Wahid's shop and many people were there with these two corpses. There it is not known why Bhagat Karamchand and Bhagat Chunilal were beating a Mohammadan servant with a Hatab. The people who were with the corpses, began to cry and began to abuse Karam Chand who also began to abuse them and also attacked them. On this the Mohammadans began to look. I then heard that from Juma Masjid Mohammad Abdullah went on a bicycle to Sovra and instigated people to plunder Pandits of Vicharnag and returned himself.

Next day Mohammad Abdullah was arrested. He hinted towards people at the time of his arrest by lifting up his hands and showing them thirteen figures. From which his comrades thought that thirteen days hartal was to be observed. Regarding burial of corpses Khaja Noor Shah told not to make noise, Mr. Wakefield had ordered that all those corpses should be buried in the Ziarat Naqashbandi sahib. His Highness would give cost of the land in which those would be buried. It would be better to bury those corpses in one place and erect a platform there. The same was however done. After this event military guards were placed at several places in the city. Kh. Noor Shah and Kh. Salam Shah went to Mr. Wakefield and Khusru Jang and told them that military men were Hindus. They had plundered Mohammadans. Mr. Wakefield and Khusru Jang then went in a car and moved in the streets of the city and suggested half the number Mohammadans sepoy to be kept in city.

Fourth day after this event on the request of Mr. Yusuf Shah, Kh. Noor Shah and Kh. Salam Shah, went to Mr. Wakefield at evening time. From there he went to Mr. Abdul Majid and brought him to his house and through Mukhtar Shah, petition writer, called for Kh. Noor Shah, M. Yusuf Shah, M. Abdullah Vakil and Shah-ud-Din and himself went to Mr. Wakefield. After 12 in the night he came back to his house with Mr. Wakefield, Mr. Khusrujang and Mr. Effendi. Kh. Noor Shah etc. who were called had already come and were with Mr. Abdul Majid. Then they were talking something among themselves. When they came down Mr. Wakefield etc. went away, others said in Kashmiri language "Mr. Wakefield before leaving give fifteen hundred rupees to Mr. Yusuf Shah for expenses of telegrams etc. because Moulvi Sahib requested that people were very poor. Mr. Wakefield also said that he had brought that to the notice of Viceroy and asked them to rest assured that the result would come out soon and that at the burial place women should collect and cry. Let children also cry in the city". The same was done. He also said that Mohammed Abdullah etc. who were in fort, he would get them released by His Highness. People should try to withhold payment of revenue through the people of the city and instigate people to have civil disobedience. Afterwards when Mohammad Abdullah and others were released they again began to deliver lectures and sent their men to spread civil disobedience in Mufassils,

At the instigation of Khankashan three men went to Charar-e-Sharif. They went to Haji Lassa Baba and Kabir Baba as they were related to them. On 14th August they got all shops closed and delivered lectures that His Highness would grant them "Khun Baha" of Sahids. The case was under inquiry in the tehsil, from there they went to Shopian and instigated people there. They explained to them that "Duki was being won by every leaf and king by Yaka". "Have courage we shall gain success". Ghulam Mohd. Ashai had his relatives in Rangar village, Badgam tehsil. He had been to them and had spread civil disobedience movement in that Illaqa through Ghulam Mohammad Nambardar of Zuhama, Sona Mir Zaildar Ahmad Dar, Rangar and Hashim Baba, brother of Kabir Baba etc. This had come to the notice of Tehsildar Badgam. In Srinagar Mohammed Abdullah is still delivering lectures street after street which adds to the agitation. I being a loyal subject of His Highness am reporting these facts because I have heard and seen with my own eyes. Owing to danger of my life I could not express these things so far. Now that many persons who have got their statements recorded have not been molested by public I venture to bring this reality to light because I am loyal subject of His Highness.

APPENDIX III

THE TREATY OF AMRITSAR 1846

TREATY BETWEEN THE BRITISH GOVT. ON THE ONE PART AND MAHARAJA GULAB SINGH OF JAMMU ON THE OTHER CONCLUDED ON THE PART OF THE BRITISH GOVT. BY FREDERICK CURRIE ESQUIRE AND BREVET MAJOR HENRY MONTGOMERY LAWRENCE, acting under the orders of the RIGHT HONOURABLE SIR HENRY HARDINGS, G.C.B. one of HER BRITANNIC MAJESTY'S MOST HONOURABLE PRIVY COUNCIL GOVERNOR GENERAL OF THE possessions of the EAST INDIA COMPANY to direct and control all their affairs in the EAST INDIES and by MAHARAJA GULABSINGH IN person—1846.

Article 1

The British Govt. transfers and makes over for ever in Independent possession to Maharaja Gulabsingh and the heirs male of his body all the hilly or mountainous country with its dependencies situated to the eastward of River Indus and the westward of the River Ravi including Chamba and excluding Lahul, being part of the territories ceded to the British Govt. by the Lahore State according to the provisions of Article IV of the Treaty of Lahore dated 9 March 1846.

Article 2

The Eastern Boundary of the tract transferred by the foregoing article to Maharaja Gulabsingh shall be laid down by the commissioners appointed by the British Govt. and Maharaja Gulabsingh shall respectively for that purpose and shall be defined in a separate engagement after survey.

Article 3

In consideration of the transfer made to him and his heirs by the provisions of the foregoing article Maharaja Gulabsingh will pay to the British Govt. the sum of seventy five lakhs of rupees (Nanakshahees) fifty lakhs to be paid on ratification of this Treaty and twentyfive lakhs on or before the 1st October of the current year AD 1846

Article 4

The limits of the territories of Maharaja Gulabsingh shall not be at any time changed without the concurrence of the British Government.

Article 5

Maharaja Gulabsingh will refer to the arbitration of the British Govt. any disputes or questions that may arise between himself and the Govt. of Lahore or any other neighbouring State and will abide by the decision of the British Govt.

Article 6

Maharaja Gulabsingh engages for himself and heirs to join, with the whole of his Military Forces, the British troops, when employed within the hills or in the territories adjoining his possessions.

Article 7

Maharaja Gulabsingh engages never to take or retain in his service any British Subject nor the subject of any European or American State without the consent of the British Government.

Article 8

Maharaja Gulabsingh engages to respect in regard to the territory transferred to him, the provision of Articles V, VI and VII of the separate Engagement between the British Govt. and the Lahore Durbar dated 11th March 1846.

Article 9

The British Government will give its aid to Maharaja Gulabsingh in protecting his territories from external enemies.

Article 10

Maharaja Gulabsingh acknowledges the supremacy of the British Govt. and will in token of such supremacy present annually to the British Govt. one horse, twelve shawl goats of approved breed (six male and six female) and three pairs of Cashmiri Shawls.

This Treaty of ten articles has been this day settled by Frederick Currie, Esquire, and Brevet Major Henry Montgomery Lawrence, acting under the directions of the Right Honourable Sir Henry

Hardings, G.E.B., Governor General on the part of the British Government and by Maharaja Gulabsingh in person, and the said treaty has been this day ratified by the seal of The Right Honourable Sir Henry Hardings, G.E.B., Governor General.

(Done at Amritsar the sixteenth day of March in the year of our Lord One Thousand eight hundred and forty six, corresponding with the seventeenth day of Rubee-ul-Awal 1962 Hijree).

Sd/-H. HARDINGS (Seal).

Signed F. Currie,

Signed H. M. Lawrence.

By order of the Right Honourable the Governor General of India.

Sd/-F. CURRIE (Seal),
Secretary to the Govt. of India,
with the Governor General.

APPENDIX IV

Telegram dated 28 May 1946 from Pt. Jawaharlal Nehru to Prime Minister of Jammu and Kashmir.

“Press reports indicate trial of Sheikh Abdullah and others stop request full facilities and time for this”.

Telegram dated 29th May 1946 from the Prime Minister to Pandit Jawaharlal Nehru :

“Your telegram of 28th May stop case before court which will doubtless grant facilities for defence permissible under law on application from accused”.

Telegram dated 15 June 1946 from Pandit Jawaharlal Nehru to His Highness :

“Am reaching Srinagar 19th with lawyers for Sheikh Abdullah’s trial stop I still hope that in interests of all concerned trials will be given up and Sheikh Abdullah and his colleagues are released stop such step will lead to peaceful consideration of grave problems confronting Kashmir stop I would gladly help in this task and can meet you for this purpose if you so desire”.

Telegram dated 16th June 1946 from His Highness the Maharaja to Pandit Jawaharlal Nehru :

“Your telegram dated fourteenth stop case sub-judice stop under rules any outside lawyers whom accused may engage will have to approach Chief Justice for permission to appear stop Your coming here inadvisable as it will only create complications”.

Telegram dated the 17th June 1946 from Pandit Jawaharlal Nehru to His Highness :

“Received your telegrams I am surprised to learn that you consider my visit will lead to complications stop I am going Kashmir to help in putting end to complications already existing and easing unfortunate situation which has already lasted too long stop As such State authorities should welcome my visit and give all facilities stop Isolation and avoidance of personal contacts lead to unnecessary

difficulties stop Hence my desire to study situation for myself and meet you stop Have sent letter to you by messenger”.

Telegram dated 17th June 1946 from His Highness to Pandit Jawaharlal Nehru :

“Your telegram dated seventeenth stop I note you are sending letter by messenger stop My views regarding your coming remain unchanged as I feel certain that at this juncture it will entail unfortunate consequences which is the duty of all concerned to avert”.

Letter dated 16th June 1946 from Pandit Jawaharlal Nehru to His Highness :

My Dear Maharaja sahib,

Day before yesterday I sent you a telegram to the following effect :

(Telegram reproduced above)

I hope to reach Srinagar together with Mr. Asaf Ali, Dewan Chamanlal and Mr. Baldev Sahai, Ex-Advocate General of Bihar on the 19th of evening by car from Rawalpindi. The immediate object of our going there is to arrange for Sheikh Mohd Abdullah's defence in trial that has been fixed for 21st of June.

I am much more concerned, however, as I have no doubt you are also with the general situation in Kashmir of which this trial is only a part. I should very much like to be of some help in the solution of the problems that have arisen there. My main object in going is to endeavour to do so. I want, as you must also desire, peace and development in Kashmir State. I feel, however, that it will not be possible to return to normality and peace unless these trials are withdrawn and Sheikh Abdullah and his colleagues are released. Naturally the present agitation, that is still continuing in some form or other, in Kashmir should also be stopped at the same time. This action will result in a proper and peaceful consideration of the various problems which we those interested in Kashmir have to face. I have, therefore, requested you in my telegrams and I would like to repeat the request here, that Sheikh Abdullah and others be released. As you are no doubt aware, Sheikh Abdullah was on his way to consult me here in Delhi when he was arrested. As soon as he is released, we confer together and endeavour to devise means which would lead to a proper settlement.

The problem of Kashmir is important enough by itself and some of us are intensely interested in it. At the present moment, however, it has an additional importance in the whole context of Indian States. The Constituent Assembly is likely to come into being soon and each State and more especially the major States will have to consider their representation in this Assembly. You are, I presume, aware of the popular demand put forward both by the National Congress and the All India State Peoples' Conference that representation in the Constituent Assembly should be by means of representatives elected by the people. All these and similar problems have to be faced very soon. It is obvious that the difficulty inherent in these problems will be greatly increased if the situation in Kashmir is abnormal and the State is in conflict with the popular organisation there. Therefore, in the interest of the State authorities as well as of the people a rapid return to normalcy is eminently desirable.

It is very difficult for me at this delicate stage of negotiations with the British Cabinet Delegation to leave Delhi even for a day. But I am so greatly interested in doing something for Kashmir that I have decided to leave Delhi and to try my best to help in finding a solution. The solution would be easy enough if you and your Government also desire it. I have suggested in my telegram that I would gladly meet you to discuss these matters if you so desire. My visit to Srinagar on this occasion will necessarily be brief, as I have to come back as soon as possible to Delhi for talks with the Cabinet Delegation and the Viceroy. But even during this visit it may be possible to lay the foundations of a settlement. If necessary I can return to Srinagar a little later for further conversation.

I am asking my colleague, Dwarkanath Kachru, to take this letter so that you may get it before my arrival in Srinagar and be acquainted more fully with my approach to this problem. I hope that my impending brief visit to Kashmir will yield results which are satisfactory to all parties concerned".

This letter was delivered at the Palace on the morning of 19th June. Before the reply could be sent, Pandit Jawaharlal Nehru in defiance of the ban imposed on his entry into the State, had forced his way through Police cordon at Kohala with the assistance of hundreds of men from British India, who had gathered round him.

Telegram dated the 20th June 1946 from Maulana Abdul Kalam Azad to His Highness :

“May I request you order postponement hearing case against Sheikh Abdullah facilitate Pandit Jawaharlal’s return for urgent business stop I have wired Jawaharlalji care Prime Minister please arrange prompt delivery”.

Telegram dated 21st June 1946 from His Highness the Maharaja to Maulana Abdul Kalam Azad :

“Thanks telegram stop There is nothing to prevent Pandit Nehru from returning whenever he wishes stop There was never any intention of detaining him here if he wanted to return stop As for issue of order regarding postponement of case as suggested by you a course impossible in this State which has an independent Judiciary but I can assure you that my Government will not oppose grant by court of any reasonable postponement requested by Defence stop Your telegram to Pandit Nehru has been wirelessly to him and original forwarded by Special Messenger stop All facilities will be provided to enable him return Rawalpindi the moment he decides to do so stop In fact one of my cars is already at his disposal”.

APPENDIX V

Resolution of the Commission of August 13, 1948

The United Nations Commission for India and Pakistan having given careful consideration to the points of view expressed by the representatives of India and Pakistan regarding the situation in the State of Jammu and Kashmir, and

Being of the opinion that the prompt cessation of hostilities and the correction of conditions the continuance of which is likely to endanger international peace and security are essential to implementation of its endeavours to assist the Governments of India and Pakistan in effecting a final settlement of the solution.

Resolves to submit simultaneously to the Governments of India and Pakistan the following proposal :

PART I

Ceasefire Order :

A. The Government of India and Pakistan agree that their respective High Commands will issue separately and simultaneously a ceasefire order to apply to all forces under their control in the State of Jammu and Kashmir as of the earliest practicable date or dates to be mutually agreed upon within four days after the proposals have been accepted by both Governments.

B. The High Commands of the Indian and Pakistan Forces agree to refrain from taking any measures that might augment the military potential of the forces under their control in the State of Jammu and Kashmir.

(For purpose of these proposals, forces under their control shall be considered to include all forces, organised and unorganised, fighting or participating in hostilities on their respective sides).

C. The Commander-in-Chief of the forces of India and Pakistan shall promptly confer regarding any necessary local changes in present dispositions which may facilitate the ceasefire.

D. In its discretion and as the Commission may find practicable, the Commission will appoint military observers who, under the authority of the Commission and with the co-operation of both commands, will supervise the observance of the ceasefire order.

E. The Government of India and the Government of Pakistan agree to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations.

PART II

Truce agreement :

Simultaneously with the acceptance of the proposal for the immediate cessation of hostilities as outlined in part I, both Governments accept the following principles as a basis for the formulation of a truce agreement, the details of which shall be worked out in discussion between their representatives and the Commission.

A

1 As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State.

2. The Government of Pakistan will use its best endeavour to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistan nationals not normally resident therein who have entered the State for the purpose of fighting.

3. Pending a final solution, the territory evacuated by the Pakistani troops will be administered by the local authorities under the surveillance of the Commission.

B

1. When the Commission shall have notified the Govt. of India that the tribesmen and Pakistani nationals referred to in Part II, A, 2 hereof, have withdrawn, thereby terminating the situation which was represented by the Govt. of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, the Govt. of India, agrees to begin to withdraw

the bulk of its forces from that State in stages to be agreed upon with the Commission.

2. Pending the acceptance of the conditions for a final settlement of the situation in the State of Jammu and Kashmir, the Indian Government will maintain within the lines existing at the moment of the ceasefire the minimum strength of its forces which in agreement with the Commission are considered necessary to assist local authorities in the observance of law and order. The Commission will have observers stationed where it deems necessary.

3. The Government of India will undertake to ensure that the Government of the State of J & K. will take all measures within its power to make it publically known that peace, law and order will be safeguarded and that all human and political rights will be guaranteed.

C

1. Upon signature, the full text of the truce agreement or a communique containing the principles thereof as agreed upon between the two Governments and the Commission, will be made public.

PART III

The Government of India and the Government of Pakistan reaffirm their wish that the future status of the State of J & K. shall be determined in accordance with the will of the people and to that end, upon acceptance of the truce agreement both Governments agree to enter into consultations with the Commission to determine fair and equitable conditions whereby such free expression will be assured.

APPENDIX VI

SUMMARY OF THE NEHRU ABDULLAH AGREEMENT MADE ON 24TH JULY 1952

1. -Citizenship. A common citizenship was recognised with special privilege for State subjects.

2. The Head of the State to be recognised by the Indian President on the recommendation of the State Legislature. The State to decide the process of election of the Head of the State. Appointment to be for five years.

3. For historical and sentimental reasons, a State flag to be recognised, but the Indian National Flag to continue to have the same status as elsewhere in India.

4. The President of India to retain powers to reprieve and commute death sentences.

5. The President of India to exercise his emergency powers under Art. 352 of the Indian Constitution, in such matters as invasion and external or internal disturbances in Kashmir. But in the case of internal disturbances, action to be taken only with the concurrence of the State.

6. The application of principles of fundamental rights, as defined in the Indian Constitution, to apply in Kashmir subject to certain modifications. For example the Kashmir decision not to award compensation to dispossessed landlords contrary to the Indian guarantee.

7. The Supreme Court of India to retain original jurisdiction in respect of disputes mentioned in Art. 131. Such disputes are those between States or between a State and the Government of India. The State Advisory Tribunal to be abolished and its functions are to pass to the Supreme Court of India. This in effect made the Supreme Court the final court of appeal in all criminal and civil matters.

8. Financial agreement between India and Kashmir including the difficult question of customs had still to be worked out.

APPENDIX VII

The following extracts from some of Sheikh Abdullah's speeches made from time to time would show how untrustworthy is the man with whom some people want the Government of India to open talks for the solution of the so called Kashmir Problem.

Speaking on Nov. 16, 1947 as the Head of the Emergency Administration, Sheikh Abdullah said :

“What happened in Kashmir adds altogether a new pattern of perfidy. Those tribal pathans equipped with mechanised weapons of war scooped down on us, not merely as armed bandits but as a centrally directed force with the avowed object of subjugating our land (Kashmir) to the vassalage of Pakistan at the point of the gun”.

Speaking before the Security Council on Feb 5, 1948, Sheikh Abdullah said :

“Under those circumstances both the Maharaja and the people requested the Govt. of India to accept accession. Pakistan has no right to say that we must do this and we must do that”.

On Feb 20, 1948, he said :

In 1944 Mr. Jinnah tried to persuade us to join with him and support his two-nation theory. But he failed. He, therefore, tried in 1947 to get at the point of sword Kashmir, which he had failed to obtain by persuasion.

On May 25, 1948, the Sheikh observed :

By her action Pakistan has permanently branded herself as an aggressor and we have no truck with her. We have made our choice and linked our destiny with India and nothing can separate us now”.

Addressing a huge gathering in Srinagar, on Aug. 7, 1948, Sheikh Abdullah said :

“Pakistan says that the Indian Army was brought here to kill Muslims. You yourselves know how the Indian Army has been conducting itself. Surely if they wanted to kill Muslims, not a single

muslim would have by now been left in Kashmir. The entire structure of Pakistan is built on deceit and fraud and time is not far off when she would be exposed in true colours”.

Addressing a press conference in New Delhi on Sept. 29, 1948, Sheikh Abdullah said :

“We have burnt our boats, there is no place in Kashmir for a theocratic State, we believe in one-nation theory and are determined to prove its truth. Kashmir will never make a plaything of India’s honour”.

Speaking at Banaras (U.P.) on Jan. 9, 1949, Sheikh Abdullah said :

“The Kashmiris had the firm conviction that the future of Kashmir lay with India. How could Kashmir leave India when every man and woman in India had sacrificed so much for Kashmir, not to speak of the Indian Army who shed their blood for the emancipation of Kashmir”.

On the 2nd Anniversary of Radio Kashmir, on May 2, 1950, Sheikh Abdullah said :

“The clash of ideologies led Pakistan to attack Kashmir and our community of outlook and understanding made India come to the aid of Kashmir, that is why we say that Kashmir’s accession to India is final”.

Sheikh Abdullah told the Constituent Assembly on Nov. 5, 1951 :—

“The claim of Pakistan of being a Muslim State is, of course, only a camouflage, it is a screen to dupe the common man, so that he may not see that Pakistan is a feudal State in which a clique is trying by all types of methods to maintain itself in power. The total population of West Pakistan which is contiguous to our State is hardly 25 million, while the total number of Muslims in India is 40 millions. As one Muslim is as good as another, the Kashmiri Muslims if they are worried by such considerations, should choose the 40 million Muslims living in India”.

Speaking before the Constituent Assembly of the J & K State on Aug. 11, 1952, Sheikh Abdullah observed :

“The basis of our relationship with India is in the instrument of Accession, which enabled our State to enter into a union with India”.

The same Sheikh Abdullah after he was unable to retain the Prime Ministership of the State, has not only denounced Indian nationality, and disowned all his previous commitments, but is also pretending to find out a solution to the so called Kashmir problem, acceptable to India, Pakistan and Kashmir, by holding conventions for the purpose, with the blessings of Mr. Jai Prakash Narain who inaugurated Sheikh Abdullah's Convention miscalled State Peoples' Convention, forgetting that he has publically taken a vow to eschew politics.

APPENDIX VIII

Following the outbreak of communal trouble in the State in 1931 engineered by Sheikh Abdulla, Maharaja appointed a Commission, with Mr. B.J. Glancy, I.C.S. (afterwards Sir B.J. Glancy) of the Political Department of the Government of India who was lent to the State, as President and with four non-official representatives of Hindus and Muslims from Jammu and Kashmir provinces as members, to inquire into the grievances, religious and others of different communities. The Commission made a number of recommendations which were accepted by the Maharaja in toto.

The more important of these related to recruitment of different communities in Government services and grant of proprietary rights, accompanied by controlling legislation in regards to land, of which the ownership was held by the State. As regards the latter, the Maharaja not only granted the proprietary rights to the Zamindars but also waived the condition of 'Nazrana'. This concession represented in money value an amount of over Rs. 20 lacs.

As regards the recruitment in Government services, the Commission made recommendations as summarised below :

- (i) While there need not be different standards for different communities, the standard should not be more exacting than efficiency demanded and those who possessed qualifications in excess of that standard should not be held to deserve appointment as a matter of right.
- (ii) There was no need to change the age limit which was thirty years.
- (iii) Appointments and scholarships should be properly advertised and given as wide publicity as possible.
- (iv) Due regard should be paid to the legitimate interests of every community in the matter of recruitment to Govt. services and the grant of scholarships for training provided that suitable candidates were forthcoming.

Put together (i) and (iv) above would mean that only suitable candidates from all communities according to their legitimate interests, possessing a standard not more exacting than the efficiency demanded, should be recruited to the Government services.

How was one to judge the suitability of the candidate ? And how to decide on the number of candidates to be taken from each community, if communal proportions are not fixed ? And how to overlook a better qualified candidate without disregarding the demands of efficiency was a big problem.

The recommendations were, however, difficult to carry out as almost anyone or no one could be recruited without violating them.

As regards the claim of Muslims who constitute 78 per cent of the State's population to proportionate representation in Government services the Commission observed that it rested with the Muslims to work up their number in State services by availing themselves of the opportunities to be provided. It also observed that the hereditary occupation of a vast number of Muslims was agriculture and it was reasonable to suppose that the great majority of agriculturists would continue to prefer that occupation to any other.

APPENDIX IX

TEXT OF INDO-SOVIET TREATY

The following is the text of the treaty of peace, friendship and co-operation between the Republic of India and the Union of Soviet Socialist Republic.

Desirous of expanding and consolidating the existing relations of sincere friendship between them.

Believing that the further development of friendship and co-operation meets the basic national interests of both the States as well as the interests of lasting peace in Asia and the world.

Determined to promote the consolidation of universal peace and security and to make steadfast efforts for the relaxation of international tensions and the final elimination of the remnants of colonialism.

Upholding their firm faith in the principles of peaceful co-existence and co-operation between States with different political and social systems.

Convinced that in the world today international problems can only be solved by co-operation and not by conflict,

Reaffirming their determination to abide by the purpose and principles of the United Nations Charter.

The Republic of India on the one side, and the Union of Soviet Socialist Republic on the other side, have decided to conclude the present treaty, for which purposes the following plenipotentiaries have been appointed.

On behalf of the Republic of India : Sardar Swaran Singh, Minister of External Affairs.

On behalf of the Union of Soviet Socialist Republic : Mr A.A. Gromyko, Minister of Foreign Affairs who, having each presented their credentials, which are found to be in proper form and due order, have agreed as follows :

Article I

The high contracting parties solemnly declare that enduring peace and friendship shall prevail between the two countries and their peoples. Each party shall respect the independence, sovereignty and territorial integrity of the other party and refrain from interfering in the other's internal affairs. The high contracting parties shall continue to develop and consolidate the relations of sincere friendship, good neighbourliness and comprehensive co-operation existing between them on the basis of the aforesaid principles, as well as those of equality and mutual benefit.

Article II

Guided by the desire to contribute in every possible way to ensure enduring peace and security of their people, the high contracting parties declare their determination to continue their efforts to preserve and to strengthen peace in Asia and throughout the world, to halt the arms race and to achieve general and complete disarmament, including both nuclear and conventional, under effective international control.

Article III

Guided by their loyalty to the lofty ideal of equality of all peoples and nations, irrespective of race or creed, the high contracting parties condemn colonialism and racialism in all forms and manifestations, and reaffirm their determination to strive for their final and complete elimination.

The high contracting parties shall co-operate with other States to achieve these aims and to support the just aspirations of the peoples in their struggle against colonialism and racial domination.

Article IV

The Republic of India respects the peace-loving policy of the Union of Soviet Socialist Republic aimed at strengthening friendship and co-operation with all nations.

The Union of Soviet Socialist Republic respects India's policy of non-alignment and reaffirms that this policy constitutes an important factor in the maintenance of universal peace and lessening of tensions in the world.

Article V

Deeply interested in ensuring universal peace and security, attaching great importance to their mutual co-operation in the international field for achieving these aims, the high contracting parties will maintain regular contacts with each other on major international problems affecting the interests of both the States by means of meetings and exchanges of views between their leading statesmen, visits by official delegations and special envoys of the two Governments, and through diplomatic channels.

Article VI

Attaching great importance to economic, scientific and technological co-operation between them the high contracting parties will continue to consolidate and expand mutually advantageous and comprehensive co-operation in these fields as well as expand trade, transport and communications between them on the basis of the principles of equality, mutual benefit and most-favoured existing treatment, subject to the existing agreements and the special arrangements with contiguous countries as specified in the Indo-Soviet trade agreement of Dec. 26, 1970.

Article VII

The high contracting parties shall promote further development of ties and contacts between them in the fields of science, art, literature, education, public health, Press, radio, television, cinema, tourism and sports.

Article VIII

In accordance with the traditional friendship established between the two countries each of the high contracting parties solemnly declares that it shall not enter into or participate in any military alliance directed against the other party.

Each high contracting party undertakes to abstain from any aggression against the other party and to prevent the use of its territory for the commission of any act which might inflict military damage on the other high contracting party.

Article IX

Each high contracting party undertakes to abstain from providing any assistance to any third party that engages in armed conflict with the other party. In the event of either party being subjected to an attack or a threat thereof, the high contracting parties shall immediately enter into mutual consultations in order to remove such threat and to take appropriate effective measures to ensure peace and the security of their countries.

Article X

Each high contracting party solemnly declares that it shall not enter into any obligation, secret or public, with one or more States, which is incompatible with this treaty. Each high contracting party further declares that no obligation exists, nor shall any obligation be entered into, between itself and any other State or States, which might cause military damage to the other party.

Article XI

This treaty is concluded for the duration of 20 years and will be automatically extended for each successive period of five years unless either high contracting party declares its desire to terminate it by giving notice to the other high contracting party 12 months prior to the expiration of the treaty. The treaty will be subject to ratification and will come into force on the date of the exchange of instruments of ratification which will take place in Moscow within one month of the signing of this treaty.

Article XII

Any difference of interpretation of any article or articles of this treaty which may arise between the high contracting parties will be settled bilaterally by peaceful means in a spirit of mutual respect and understanding.

The said plenipotentiaries have signed the present treaty in Hindi, Russian and English, all texts being equally authentic and have affixed thereto their seals.

Done in New Delhi on the ninth day of August in the year one thousand nine hundred and seventy one.

On behalf of the
 Republic of India
 (Sd.) Swaran Singh
 Minister of External Affairs.

On behalf of the
 Union of Soviet Socialist
 Republics
 (Sd.) A.A. Gromyko
 Minister of Foreign Affairs.

APPENDIX X

TEXT OF SIMLA AGREEMENT

Following is the text of the agreement on bilateral relations between India and Pakistan.

The Government of India and the Government of Pakistan are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of *durable peace in the sub-continent*, so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their people.

In order to achieve this objective, the Government of India and the Government of Pakistan have agreed as follows :

- (i) That the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries.
- (ii) That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent the organisation, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations.
- (iii) That the pre-requisite for reconciliation, good neighbourliness and durable peace between them is a commitment by both the countries to peaceful co-existence, respect for each other's territorial integrity and sovereignty and non-interference in each other's internal affairs, on the basis of equality and mutual benefit.
- (iv) That the basic issues and causes of conflict which have bedevilled the relations between the two countries for the last 25 years shall be resolved by peaceful means.

- (v) That they shall always respect each other's national unity, territorial integrity, political independence and sovereign equality.
- (vi) That in accordance with the Charter of the United Nations, they will refrain from the threat or use of force against the territorial integrity or political independence of each other.

Both Governments will take all steps within their power to prevent hostile propaganda directed against each other. Both countries will encourage the dissemination of such information as would promote the development of friendly relations between them.

In order progressively to restore and normalise relations between the two countries step by step, it was agreed that :

- (i) Steps shall be taken to resume communications, postal, telegraphic, sea, land including border posts, and air links including overflights.
- (ii) Appropriate steps shall be taken to promote travel facilities for the nationals of the other country.
- (iii) Trade and co-operation in economic and other agreed fields will be resumed as far as possible.
- (iv) Exchange in the fields of science and culture will be promoted.

In this connection delegations from the two countries will meet from time to time to work out the necessary details.

In order to initiate the process of the establishment of durable peace, both the Governments agree that :

- (i) Indian and Pakistani forces shall be withdrawn to their side of the international border.
- (ii) In Jammu and Kashmir, the line of control resulting from the ceasefire of December 17, 1971, shall be respected by both sides without prejudice to the recognised position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat or the use of force in violation of this line.

- (iii) The withdrawals shall commence upon entry into force of this agreement and shall be completed within a period of 30 days thereof.

This agreement will be subject to ratification by both countries in accordance with their respective constitutional procedures, and will come into force with effect from the date on which the instruments of ratification are exchanged.

Both Governments agree that their respective heads will meet again at a mutually convenient time in the future and that, in the meanwhile the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalisation of relations, including the questions of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations.